

ADULTS AND COMMUNITIES SCRUTINY COMMITTEE	AGENDA ITEM No. 6
30 SEPTEMBER 2020	PUBLIC REPORT

Report of:	Rob Hill – Assistant Director, Community Safety	
Cabinet Member(s) responsible:	Cllr Irene Walsh - Cabinet Member for Communities	
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DOMESTIC ABUSE AND SEXUAL VIOLENCE SERVICE UPDATE REPORT

R E C O M M E N D A T I O N S	
FROM: <i>Rob Hill – Assistant Director Community Safety</i>	Deadline date: <i>N/a</i>
<p>It is recommended that Adults and Scrutiny Committee:</p> <ol style="list-style-type: none"> Note the statutory duty on Tier 1 local authorities to provide support to victims of domestic abuse and their children in refuges and other safe accommodation from April 2021, and to consider and comment on the proposal to provide governance for this statutory duty via the existing countywide Domestic Abuse and Sexual Violence Board. Note the impact of COVID-19 on the demand for domestic abuse services, and the proposed cessation of the Service review. 	

1. ORIGIN OF REPORT

- 1.1 The Adults and Community Scrutiny Committee have requested an update on the proposed changes to the DA Bill and progress on the Domestic Abuse and Sexual Violence Service Review.

2. PURPOSE AND REASON FOR REPORT

- 2.1 This report is being presented:

- to inform the Scrutiny committee of the new statutory obligation proposed in the 2020 DA Bill, and to seek the Panel's view on the proposal to provide governance for this via the established DASV partnership board
- to update the committee on the review of the Domestic Abuse and Sexual Violence (DASV) Service

- 2.2 This report is for the Adults & Communities Scrutiny Committee to consider under its Terms of Reference Part 3, Section 4 - Overview Scrutiny Functions, paragraph No. 2.1:

Functions determined by Council:

- Safeguarding Adults
- Equalities

Functions determined by Statute:

To review and scrutinise crime and disorder matters, including acting as the Council's crime and disorder committee in accordance with Sections 19 of the Police and Justice Act 2006;.

- 2.3 Our strategic and operational approach to addressing domestic abuse and sexual violence is directly linked to our corporate priority to safeguard vulnerable adults and children.

3. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. **BACKGROUND AND KEY ISSUES**

4.1 **Domestic Abuse Bill – Statutory Requirement**

The Domestic Abuse Bill 2019-2021 is currently progressing through parliament and has reached a second reading in the House of Lords. It is anticipated that the Bill will receive royal ascent in time for the Bill to become law in April 2021. The Bill will:

- create a statutory definition of domestic abuse, emphasising that domestic abuse is not just physical violence, but can also be emotional, coercive or controlling, and economic abuse
- establish a Domestic Abuse Commissioner, to stand up for victims and survivors, raise public awareness, monitor the response of local authorities, the justice system and other statutory agencies and hold them to account in tackling domestic abuse
- provide for a new Domestic Abuse Protection Notice and Domestic Abuse Protection Order
- place a duty on local authorities in England to provide support to victims of domestic abuse and their children in refuges and other safe accommodation
- prohibit perpetrators of abuse from cross-examining their victims in person in the family courts in England and Wales
- create a statutory presumption that victims of domestic abuse are eligible for special measures in the criminal courts (for example, to enable them to give evidence via a video link)
- enable domestic abuse offenders to be subject to polygraph testing as a condition of their licence following their release from custody
- place the guidance supporting the Domestic Violence Disclosure Scheme (“Clare’s law”) on a statutory footing
- ensure that where a local authority, for reasons connected with domestic abuse, grants a new secure tenancy to a social tenant who had or has a secure lifetime or assured tenancy (other than an assured shorthold tenancy) this must be a secure lifetime tenancy
- extend the extraterritorial jurisdiction of the criminal courts in England and Wales, Scotland and Northern Ireland to further violent and sexual offences

The key implication here for Peterborough City Council, is that the Bill will place a statutory duty on tier 1 local authorities to provide support to victims of domestic abuse and their children within refuges and other safe accommodation. It will put in place a four part statutory framework

for the delivery of support to victims of domestic abuse and their children in safe accommodation and:

1. Place a duty on each tier one local authority in England to appoint a multi-agency Domestic Abuse Local Partnership Board which it will consult as it performs certain specified functions. These are to:
 - assess the need for accommodation-based domestic abuse support for all victims in their area, including those who require cross-border support
 - develop and publish a strategy for the provision of such support to cover their locality, having regard to the need's assessment
 - give effect to the strategy (through commissioning / de-commissioning decisions)
 - monitor and evaluate the effectiveness of the strategy
 - report back to central government
2. Require local authorities to have regard to statutory guidance in exercising their functions.
3. Require the Secretary of State to produce statutory guidance, having consulted the Domestic Abuse Commissioner, local authorities and such other persons as considered appropriate.
4. Require tier two councils to co-operate with the lead local authority, so far as is reasonably practicable.

The new duty will cover the provision of support to victims and their children residing in:

- refuge accommodation
- specialist safe accommodation
- dispersed accommodation
- sanctuary schemes
- move-on or second stage accommodation

And 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

The makeup of Local Partnership Boards may vary across local authority areas, but they are expected to include a broad range of representative partners. As a minimum, the Boards will include persons representing local authorities, victims and their children, domestic abuse charities or voluntary organisations, health care providers and the police or other criminal justice agencies. **It is recommended for Peterborough that the existing Countywide Domestic Abuse and Sexual Violence Strategic Board could be utilised for this purpose, with some adaptations made.**

The duty will require a needs assessment to take place every 3 years, with an annual refresh, using a standardised needs assessment form from the Ministry of Housing Communities and Local Government.

Needs Assessments will explore the level of need for support services within safe accommodation for victims of domestic abuse, including those presenting from out of area. As well as the level of need more broadly, it should include an assessment of the level of need for specialist support services.

Using the needs assessment, Tier 1 authorities will need to develop strategies clearly setting out the local approach in support victims of domestic abuse within safe accommodation. It is hoped that this can be part of the existing Domestic Abuse Strategy, which has recently been reviewed (appendix 1).

Tier 1 local authorities, with support from the Local Partnership Board, will need to submit a report to the MHCLG setting out how they have met their duty. Local authorities will receive appropriate financial support to meet the proposed new duty with final decisions on funding being made as part of the 2020 Comprehensive Spending Review.

4.2 **Domestic Abuse and Sexual Violence Service Review**

The Domestic Abuse and Sexual Violence Partnership, including the IDVA (Independent Domestic Violence Adviser) Service work countywide and are funded through Peterborough City Council and Cambridgeshire County Council, with a reliance on other short term-grant funding to provide a service for all victims of domestic abuse.

Due to the expected ceasing of some of these grants in March 2020, a restructure of the service was planned to redesign services to meet reduced funding. At late notice some of these grants have now been extended until March 2021.

Nationally the COVID-19 lockdown and recovery has impacted on a substantial increase in demand for domestic abuse services. This has also been replicated locally with the IDVA Service (who work predominately with high risk victims) seeing an increase in referral levels of 11% for quarter one (April – June 2020), compared with the same period last year. Quarter two (July – September 2020) is projected to see a 16-20% increase on 19/20 figures. The service has implemented its COVID business continuity plan to manage referral levels, which has meant that referral thresholds have temporarily increased when demand for services was at its highest.

Outreach services provided through Refuge are also reporting increases of up to 100% on referral levels from last year. Refuge support victims at all risk levels and accept self-referrals. This service is currently funded through grants that are due to end in March 2021. There is currently considerable pressure on this service to meet demand. In order to maintain our ability to respond to increased demand, and in light of the extension of grant funding, the service review has been postponed until 2021.

5. CONSULTATION

5.1 Not required – Update information only, no direct ward connotations.

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 1 - Councillors are aware of the forthcoming statutory duty for local authorities around the provision of safe accommodation for victims of domestic abuse and the impact of the COVID-19 pandemic on existing domestic abuse services, and approve the recommended approach regarding the statutory board requirement.

2 – Councillors are informed of the service demand challenges as a result of Covid-19, and support the decision to pause further service review this financial year.

7. REASON FOR THE RECOMMENDATION

7.1 These recommendations are made due to the new statutory duty on local authorities being introduced as part of the new domestic abuse bill.

The COVID-19 pandemic has also had a substantial impact on demand for domestic abuse services, which have implications for future planning and service review.

8. ALTERNATIVE OPTIONS CONSIDERED

8.1 N/A

9. IMPLICATIONS

Financial Implications

9.1 Statutory Proposals: Local authorities have been advised that additional funding to implement the statutory duty will be made available. Details have not yet been released.

Service Review: The decision to suspend the service review has no financial implications, given the extension of external grant to March 2021 and therefore the budget remains unaffected.

Legal Implications

9.2 The proposed statutory requirement places a legal obligation on the authority. However, this will not become law until 2021 and we await final written instruction to assess any legal implications.

Equalities Implications

9.3 Domestic abuse is a highly gendered crime, with women disproportionately affected. Current safe accommodation provision within Peterborough is only available for women and there is no specific provision for those with complex or additional needs. The needs assessment will need to consider this and may identify gaps within the current provision which could lead to a de-commissioning or recommissioning of existing services.

Rural Implications

9.4 No disproportionate impact

Carbon Impact Assessment

9.5 Neutral impact because at this stage this report is for information only. New duties that will be required of the Council, should these changes be passed, may result in some minor carbon impacts for the Council but officers will seek to ensure that these are minimised where feasible.

10. BACKGROUND DOCUMENTS

10.1 DA Bill 2020

https://publications.parliament.uk/pa/bills/lbill/58-01/124/5801124_en_2.html

11. APPENDICES

11.1 Appendix 1 – DA Bill 2020