

Title of meeting:	Health and Wellbeing Board
Date of meeting:	7 th July 2021
Subject	Domestic Abuse Bill - statutory responsibility for local authorities.
Report by:	Bruce Marr, Head Harm and Exploitation
Wards affected:	All
Key decision:	Yes
Full council decision:	No

1 Purpose of report

- 1.1 To update the board on the new Domestic Abuse Act 2021 statutory duty for tier one local authorities.

2 Recommendations

The Health and Wellbeing Board:

- 2.1 Notes the report
- 2.2 Agrees that the Health and Wellbeing Board will oversee governance of the new Domestic Abuse Local Partnership Board.
- 2.3 Agrees that the new statutory duty to have a Domestic Abuse Local Partnership Board is part of the Domestic Abuse Steering group function.
- 2.4 Recommends to Cabinet that the New Burdens Funding for New Statutory Domestic Abuse Duty (2021-22) grant is passported and subject to this, agrees funding allocation for Safe Accommodation for 2021/22 as outlined in paragraph 4.3.
- 2.5 Agrees that, in light of the frequency of meetings, the Health and Wellbeing Board agree that future funding allocation decisions for the 2021/22 funding be delegated to the Domestic Abuse steering group (paragraph 4.3.5).

3 Background

- 3.1 The Domestic Abuse Act 2021 received Royal Assent on 29th April 2021. Part 4 of the Act places a new duty on (tier one) local authorities in England to support victims of domestic abuse and their children by commissioning refuges and other safe accommodation. The Act requires local authorities to:

- Appoint a multi-agency Domestic Abuse Local Partnership Board which it must consult as it performs certain specified functions.
 - Assess, or make arrangements for the assessment of, the need for domestic abuse support in their area for all victims (and their children) who reside in relevant safe accommodation, including those who come from outside of their area (annually).
 - Prepare and publish a strategy for the provision of such support to cover their area having regard to the needs assessment (every 3 years).
 - Give effect to the strategy (through commissioning / de-commissioning decisions).
 - Monitor and evaluate the effectiveness of the strategy.
 - Report back annually to central government.
- 3.2 To assist tier one authorities in meeting the new duty the MHCLG awarded Portsmouth a total of £546,809. £50,000 was awarded as a one off payment to help local authorities make preparations to meet the new duty (which was carried forward) and £496,809¹ for 2021/22 to assist with the administrative burden and support costs for the provision of safe accommodation for victims of domestic abuse and their children.
- 3.3 The draft MHCLG guidance advises that "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."
- 3.4 The government are consulting local authorities² on the new duty with the proposal that the commencement date for part 4 of the Act is 30th August 2021 and a duty on local authorities to publish their strategy by 31st October 2021.

4. Progress to date

- 4.1 On 17th March 2021 the Domestic Abuse steering group agreed, in principle, to take on responsibility of the "Domestic Abuse Local Partnership Board" as required under the legislation. This included agreeing the Terms of Reference and reporting back to the Portsmouth Health and Wellbeing Board annually.



- 4.2 A new Domestic Abuse analysis role has been created to meet the assessment and reporting requirements of the Act. The successful applicant formally started in the role on 24th May 2021. The priority will be to complete the needs assessment, which does not need to be submitted, followed by updating the Domestic Abuse strategy, which needs to be submitted to the MHCLG by the end of August.

¹ <https://www.gov.uk/government/consultations/funding-allocation-methods-new-domestic-abuse-duty>

² End of consultation is 23:45 on 27th July 2021

- 4.3 The recommendation is that at this time £375,000 of the allocation is committed. The majority of this is for Stop Domestic Abuse (SDA) who are the current DA provider and were awarded the new contract, which started on 1st July 2021. In preparation for this additional funding the published tender specification confirmed that "In light of the possibility of additional grant funding for Domestic Abuse provision either directly awarded to Local Authorities' or where there is a requirement for Local Authorities' to apply, there is a possibility that the value of this contract may change and therefore need to be modified to provide additional services; this is acceptable under the Public Contract's regulations 2015 (regulation 72)."

The current recommended allocation for 2021/22 is:

- 4.3.1 £45,000 for the Domestic Abuse analyst role employed by Portsmouth City Council. This role supports the local authority to meet the administrative burden of the act.
- 4.3.2 £110,000 for the staff support costs for the additional 5 bed refuge provision. This provision is outside the scope of the DA contract, is delivered by Stop Domestic Abuse and was initially additional provision funded by Home Office Covid funding. Stop Domestic Abuse have secured an agreement directly with PCC housing to continue to lease the property and to fund this independently.
- 4.3.3 £70,000 for the continuation of Up2U: My Choice. This is delivered by Stop Domestic Abuse and has been funded from the MHCLG for the previous 3 years; who have advised that they expect previously funded programmes to continue. Up2U: My Choice is a programme that supports victims of domestic abuse with complex and multiple needs who, through their own experience of abuse display unhealthy relationship attitudes and behaviours that increase the likelihood of them having another abusive relationship in the future.
- 4.3.4 £150,000 to provide additional emergency community safe accommodation support as part of a sanctuary scheme to be delivered by Stop Domestic Abuse. This is a new initiative and will provide additional support for victims to remain safely in their home, can be supported in deciding the future of their relationship and is designed to make the home situation safer for both the victim and their children. Provision includes a significantly higher level of support for the victims, keyworker and behaviour change interventions for the abusive partners and out of hours support.
- 4.3.5 This leaves £171,809 unallocated and will be allocated on completion of the needs assessment and strategy. However nationally there are also a number of other grant allocations which Local Authorities or specialist domestic abuse providers can apply for (either directly to government or via the Office of the Police and Crime Commissioner) which is all short term funding and partners have reported difficulties in being able to

recruit to the additional posts. This might have an impact on our ability to commission future provision once needs have been identified.

5. Integrated Impact Assessment

- 5.1 An integrated impact assessment is not required, as the recommendations do not have a significant positive or negative impact on communities and safety, regeneration and culture, environment and public space or equality and diversity. This will be reviewed on completion of the needs assessment.

6. Legal Implications

- 6.1 As outlined in the body of the report, the recommendations set out above will facilitate the Council's performance of its new statutory duties as a local authority in relation to the support of victims of domestic abuse as contained in Part 4 (sections 57 to 60) of the Domestic Abuse Act 2021, which came into force on 29th April 2021.

7. Finance Comments

- 7.1 In 2020/21 Portsmouth City Council was successful in receiving a ring fenced grant of £399,915 for South East Hampshire partners for Domestic Abuse, for which the commitments only lasted until the end of March 2021. This was built into the 2021/22 budget, but will need to be adjusted as this does not recur in 2021/22. Instead Portsmouth City Council will receive the New Burdens Funding for New Statutory Domestic Abuse Duty (2021-22) grant (£496,809), which the Ministry of Housing and Local Government has identified as an unringfenced grant, and in accordance with Portsmouth City Council procedures, the use of this grant will need to be agreed by Cabinet, before any commitments can be entered into.
- 7.2 As already mentioned, the funding beyond 2021/22 will be subject to the Spending Review. Apart from the member of staff, all the other recommended expenditure in this report is for 2021/22 which limits the risks to Portsmouth City Council should the funding change for 2022/23 onwards. Once Cabinet has decided the funding for 2021/22, then further funding allocation decisions should be made for 2021/22 only as the grant terms do not allow for a carry forward of the grant into future years.

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Signed by: Alison Jeffery, Director of Children, Families and Education

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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Signed by: