

DECISION ITEM

| REPORT OF | MEETING | DATE | ITEM NO |
|----------------------------------|---|------------------|---------|
| DEVELOPMENT SERVICES DIRECTORATE | ENVIRONMENT, HEALTH AND HOUSING COMMITTEE | 2 SEPTEMBER 2021 | 7 |
| DOMESTIC ABUSE ACT 2021 | | | |

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

This report provides an update on the Domestic Abuse Act 2021 and new statutory duties placed on Local Authorities. The Act creates a cross-government statutory definition of domestic abuse, to ensure that domestic abuse is properly understood, considered unacceptable and actively challenged across statutory agencies and in public attitudes. The four main objectives of the act are to promote awareness of domestic abuse, protect and support victims, transform the justice process and improve performance from agencies in the response to domestic abuse.

New duties have been placed on Tier 1 and Tier 2 Local Authorities. Tier 1 Authorities are to appoint multi-agency Domestic Abuse Local Partnership Board which assess the need for accommodation-based domestic abuse support in their area for all victims or children, including those who come from outside the area. The partnership is also responsible for developing a Domestic Abuse Strategy that details support available within a locality and monitors and evaluates the effectiveness of the support as part of that Strategy. Tier 2 Authorities are to cooperate with the lead Tier 1 local authority to deliver this support within their areas, under Part 4 duties of the Act, namely, to provide safe accommodation.

Fylde Council have been awarded funding for 2021/2022 totalling £33,196, to undertake new Part 4 duties and provide support within their local authority area. Funding will be paid on an annual basis in the form of unringfenced grants under Section 31 of the Local Government Act 2003 by MHCLG for a period of three years. Fylde Council intend to work in partnership with Wyre Council and Fylde Coast Women’s Aid (FCWA) to support victims and their children and commission a Housing Outreach Worker to engage and support female and male victims and their children, employed by FCWA.

The role will provide advocacy services for victims with agencies who can help to address the support needs of victims of domestic abuse and initiate measures to support clients in their existing and new homes. The cost of the Housing Outreach Worker is £18,500 for 12 months leaving £14,696 available to enhance other support services in place, for example assistance with legal costs above that budgeted in the project and financial support for victims to move into new accommodation.

RECOMMENDATIONS

- Note the contents of the report and the proposed project to work in partnership with Wyre Council and Fylde Coast Women’s Aid to commission a Housing Outreach Worker to engage and support female and male victims and their children under the Domestic Abuse Act 2021.
- Recommend to Finance and Democracy Committee approval of a fully funded revenue budget increase for the total of £33,196 to be met by MHCLG New Duties funding (£16,500 21/22 and £16,696 22/23) to undertake new Part IV duties under the Domestic Abuse Act 2021.

SUMMARY OF PREVIOUS DECISIONS

ents/Default.aspx" [Environment, Health and Housing 15th June 2021 – Fylde Council handyperson and sanctuary pilot scheme](#)

It was RESOLVED to;

1. Note the contents of the report and approve the Handy Person and Sanctuary Scheme pilot scheme proposed, in partnership with Preston Care and Repair, using existing revenue resources;
2. Committee are requested to disapply the rules to comply with the contract procedure on the basis that:
 - a. The pilot is required to gauge demand for both the Handyperson and Sanctuary service;
 - b. Preston Care and Repair are already running the minor aids and adaptations programme in Fylde;
 - c. The purpose of the pilot is to inform a competitive procurement of the Handyperson and Sanctuary Scheme in 2022 on completion of the 12 month pilot; and
3. Note that an evaluation of the Pilot will be presented to this Committee after 12 months.

CORPORATE PRIORITIES

| | |
|--|---|
| Economy – To create a vibrant and healthy economy | |
| Environment – To deliver services customers expect | √ |
| Efficiency – By spending money in the most efficient way | √ |
| Tourism – To create a great place to live and visit | |

DOMESTIC ABUSE ACT 2021

1. Domestic abuse is an abhorrent crime perpetrated on victims and their families by those who should love and care for them. This landmark Act will help transform the response to domestic abuse, helping to prevent offending, protect victims and ensure they have the support they need.
2. In December 2019 the Government was elected with a manifesto commitment to “support all victims of domestic abuse and pass the Domestic Abuse Bill” originally introduced in the last Parliament. The Bill aims to ensure that victims have the confidence to come forward and report their experiences, safe in the knowledge that the state will do everything it can, both to support them and their children and pursue the abuser.
3. The draft Bill underwent pre-legislative scrutiny by a Joint Committee of both Houses of Parliament and published its report on the draft Bill on 14 June 2019. The Domestic Abuse Bill was then introduced in July 2019, was given a Second Reading in October 2019, but then fell with the dissolution of Parliament. In 2021 the Domestic Abuse Bill was reintroduced and received Royal Assent on the 29th April 2021.
4. **Four main objectives of the Domestic Abuse Act 2021:**
 - 1) **Promote awareness** – to put domestic abuse at the top of everyone’s agenda, and raise public and professional awareness
 - 2) **Protect and support** – to enhance the safety of victims and the support that they receive
 - 3) **Transform the justice process** – to prioritise victim safety in the criminal and family courts, and review the perpetrator journey from identification to rehabilitation
 - 4) **Improve performance** – to drive consistency and better performance in the response to domestic abuse across all local areas, agencies and sectors
5. The Domestic Abuse Act is split into seven parts:
 - 1) Definition of “domestic abuse”
 - 2) The Domestic Abuse Commissioner
 - 3) Powers for dealing with domestic abuse
 - 4) Local Authority Support - Safe Accommodation and Local Domestic Abuse Partnership Boards (Part 4 Duties)
 - 5) Protection for victims and witnesses in court
 - 6) Offences involving violent or abusive behaviour

7) Miscellaneous & General

The Act creates, for the first time, a cross-government statutory definition of domestic abuse, to ensure that domestic abuse is properly understood, considered unacceptable and actively challenged across statutory agencies and in public attitudes.

It is vital that in tackling domestic abuse, everyone, from statutory bodies to members of the public, has a proper understanding of it and how to support and protect victims.

A statutory definition of domestic abuse will help to do this, emphasising that domestic abuse is not just physical or sexual violence, but can also be emotional, coercive or controlling, and economic abuse.

Victoria Atkins MP, Minister for Safeguarding

6. The Statutory Definition of 'Domestic Abuse' is defined as, 'behaviour which is abusive by one person towards another person'. The persons have to be personally connected. Behaviour is to be regarded as 'abusive' if it consists of any of the following:
 - a. Physical or sexual abuse
 - b. Violent or threatening behaviour
 - c. Controlling or coercive behaviour
 - d. Economic abuse
 - e. Psychological, emotional or other abuse.
7. To be 'personally connected' means individuals who are either married, civil partners, couples engaged to be married or have agreed to enter into a civil partnership, this who have been in an intimate personal relationship with one another or those who have a child or children to whom they each have parental responsibility or they are relatives.
8. The act places a statutory framework for the delivery of support to victims of domestic abuse and their children in safe accommodation and provides clarity over governance and accountability.
 - Places a duty on each Tier 1 local authority in England to appoint a multi-agency Domestic Abuse Local Partnership Board which will consult as it performs certain functions.
 - Assesses the need for accommodation-based domestic abuse support in their area for all victims or children, including those who come from outside the area.
 - Develop a Domestic Abuse Strategy that details such support to cover the locality and monitor and evaluate the effectiveness of the strategy

Funding linked to Part IV Duties – Tier 1 and Tier 2 local authorities

9. Local Government in England operates under either a one tier system (unitary authority), or a two tier system (county and district councils). There are five types of local authority in England; county councils, district councils, unitary authorities, metropolitan districts and London boroughs.
10. Tier 2 councils are to co-operate with the lead Tier 1 local authority to deliver this support under the Part 4 duties (see paragraph 5). Funding has been received direct from central government to tackle identified needs with support and accommodation-based services, in each local authority area in 2021/22.
11. Funding is split into two parts:
 1. Support in safe accommodation: cost of the commissioned services, based on an estimate of support unit costs and the level of unmet need for safe accommodation.
 2. Administrative new burdens: cost of delivering the new functions under the duty.
12. Fylde Council have been awarded funding for 21/22 totalling £33,196, linked to the New Duties under Part 4. Funding will be paid on an annual basis in the form of un-ringfenced grants under Section 31 of the Local Government Act 2003 by MHCLG for a period of three years. The new Duty Fund value is now confirmed by MHCLG for one year only. The funding will be available for 3 years, but the amount in years 2 & 3 depends on the spending review. After 3 years funding will be rolled in with the Local Government allocation.
13. Tier 1 and Tier 2 Local Authorities will need to develop a Domestic Violence Strategy that identifies their needs and how they will address those needs. LCC are the lead authority reporting to a wider Lancashire Domestic

Abuse Partnership Board.

Fylde Council, Wyre Council and Fylde Coast Women’s Aid

14. Fylde Council, in order to take forward the new Part 4 duties placed on Tier 2 local authorities under the Domestic Abuse Act, are proposing to work across Wyre and Fylde local authorities in partnership with Fylde Coast Women’s Aid to support victims and their children.
15. Fylde Coast Women’s Aid (FCWA) offers free advice and support to individuals living in Blackpool, Fylde and Wyre who are experiencing or have experienced domestic abuse, stalking and child sexual exploitation.
16. The project will commission a Housing Outreach Worker to engage and support female and male victims and their children, employed by FCWA. This will enable smooth signposting to support services and work jointly with each local authority housing service for re-housing options. The post will be initially for 12 months, with possible extension for a further 2 year’s once the value of New Duty Fund, for years 2 and 3 has been confirmed (paragraph 11).
17. The project will provide training for housing staff and other teams within the local authority who may come across domestic abuse situations and require an insight into the warning signs, support required and actions to take.
18. Each local authority will commission Sanctuary Schemes separately to support households experiencing domestic violence. Fylde Council currently have a pilot in operation with Preston Care and Repair to operate a Handyperson and Sanctuary Scheme.
19. The Sanctuary Scheme is designed to enable victims of domestic abuse to remain in their own homes, where it is safe for them to do so and where it is their choice. The service also ensures that when clients move into their new home security measures can be installed. The service is designed to offer another option for those who would otherwise have to move home and leave everything and everyone behind at a time when they need the support networks the most.
20. A legal expenses budget will be held by FCWA to assist clients where applicable with non-molestation orders, occupation orders and prohibitive steps. The £4000 for legal fees is a figure suggested by FCWA, however this can be increased based on demand as the project moves forward.
21. Table 1 below details the project costings. Funding required for the Housing Outreach Worker £18,500 leaving £14,696 funding available for additional monies required under the sanctuary scheme, additional legal costs to the project if required, rent bond and rent in advance and financial support with essential items.
22. Project monitoring meetings will be held bi-monthly to discuss the project, workload and emerging barriers and lessons learnt, in order to inform the project in future years and assist in developing a DV Strategy for Fylde and Wyre Authorities.

| HOUSING OUTREACH WORKER FYLDE AND WYRE | |
|--|-------------------|
| Salary | £23,500.00 |
| NI | £1,890.00 |
| Pension | £1,175.00 |
| Mobile Phone | £360.00 |
| Travel | £600.00 |
| Training | £500.00 |
| IT System/HR/Insurance costs | £600.00 |
| Management Uplift/ Overhead costs | £4,294.00 |
| Legal cost support administered by FCWA – non molestation orders, occupation orders and prohibitive steps | £4,000 |
| Total costs for 12 month post | £36,919 |
| Contribution Fylde and Wyre | £18,500 |

23.

23. Appendix 1 contains the job description and advert for the Housing Outreach Support Worker. The role of the worker is essential to act as the first point of contact for all referrals into the Housing Outreach Service. The worker will identify and assess the risks and needs of domestic abuse victims using an evidence-based

risk identification checklist and any cases deemed as high-risk cases to Lancashire Victim Support (LVS) as the commissioned service and work with victims to help them access other relevant services within and external to FCWA.

24. It is anticipated, based on current presentations to FCWA that the worker will support approximately 60-80 numbers families over a 12 month period and liaise with both Wyre Housing and Fylde Housing Teams in regard to housing options. The worker will also hold weekly open sessions at each district, as a Domestic Abuse drop in session.
25. The worker will support the empowerment of the client and assist them in recognising the features and dynamics of domestic abuse present in their situation and help them regain control of their lives. The role will provide advocacy services for victims with agencies who can help to address the domestic abuse by:
 - I. Understanding the role of all relevant statutory and non-statutory services available to domestic abuse victims and how your role fits into them.
 - II. Providing advocacy, emotional and practical support and information to victims including in relation to legal options, housing, health and finance.
 - III. Working directly with all key agency partners to address the safety of victims
 - IV. Provide up to 8 weeks tenancy support when clients are moving into independent tenancies.

| IMPLICATIONS | |
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| Finance | Fully funded revenue budget increase for the total of £33,196 to met by MHCLG New Duties funding (£16,500 21/22 and £16,696 22/23) to undertake new Part IV duties under the Domestic Abuse Act 2021. |
| Legal | Part IV duties under the Domestic Abuse Act 2021 to secure safe accommodation. |
| Community Safety | Part IV duties under the Domestic Abuse Act 2021 to secure safe accommodation. |
| Human Rights and Equalities | Part IV duties under the Domestic Abuse Act 2021 to secure safe accommodation. |
| Sustainability and Environmental Impact | None arising from this report. |
| Health & Safety and Risk Management | None arising from this report. |

| LEAD AUTHOR | CONTACT DETAILS | DATE |
|-----------------|---|------------|
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| BACKGROUND PAPERS | | |
|--|------|--|
| Name of document | Date | Where available for inspection |
| Domestic Abuse Act | 2021 | HYPEw.gov.uk/government/consultations/domestic-abuse-act-statutory-guidance " Domestic Abuse Act statutory guidance - GOV.UK |
| Fylde Coast Womens Aid | | Fylde Coast Women's Aid - Fylde Coast Women's Aid - FCWA |
| Fylde Council Handyperson and Sanctuary Scheme | 2021 | e.gov.uk/resident/housing/care-and-repair-and-handyperson-scheme/ " Fylde Council handy person and sanctuary scheme |
| Funding allocations new domestic abuse duty | 2021 | tps://www.gov.uk/government/consultations/funding-allocation-methods-new-domestic-abuse-duty Funding allocation methods: new domestic abuse duty - GOV.UK |

Attached documents

Appendix 1a – Housing Outreach Worker FCWA job description

Appendix 1b – Advert for the Housing Outreach Worker

