

HOMES & COMMUNITIES COMMITTEE

18 JANUARY 2021

THE DOMESTIC ABUSE BILL (2020) – IMPACTS FOR NSDC

1.0 Purpose of Report

- 1.1 To advise the Committee of the new duties required by the Domestic Abuse Bill (2020) and the specific requirements for Tier one and Tier two authorities.

2.0 Background

- 2.1 In spring 2018, the Government conducted a public consultation on Transforming the Response to Domestic Abuse, which attracted over 3,200 responses. The Government response to the consultation and a draft Domestic Abuse Bill were published in January 2019. The Government response set out 123 commitments, both legislative and non-legislative, designed to promote awareness of domestic abuse; protect and support victims and their families; transform the justice process to prioritise victim safety and provide an effective response to perpetrators; and to drive consistency and better performance in the response to domestic abuse across all local areas, agencies and sectors

- 2.2 The draft Bill underwent pre-legislative scrutiny by a Joint Committee of both Houses of Parliament, chaired by the Rt. Hon. Maria Miller MP. The Joint Committee 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 but then fell with the dissolution of Parliament. On 3 March 2020, the Domestic Abuse Bill was reintroduced and completed its Commons stages on 6 July.

- 2.3 Set out below are the key features of the bill:

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 in law the office of Domestic Abuse Commissioner and set out the Commissioner's functions and powers.

Provide for a new Domestic Abuse Protection Notice and Domestic Abuse Protection Order.

Placing 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 civil and family courts in England and Wales.

Create a statutory presumption that victims of domestic abuse are eligible for special measures in the criminal, civil and family courts.

Clarify by restating in statute law the general proposition that a person may not consent to the infliction of serious harm and, by extension, is unable to consent to their own death.

Extend the extraterritorial jurisdiction of the criminal courts in England and Wales, Scotland and Northern Ireland to further violent and sexual offences.

Enable domestic abuse offenders to be subject to polygraph testing as a condition of their license following their release from custody.

Place the guidance supporting the Domestic Violence Disclosure Scheme (“Clare’s law”) on a statutory footing.

Provide that all eligible homeless victims of domestic abuse automatically have ‘priority need’ for homelessness assistance.

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.

2.4 The majority of the powers introduced by the bill will be applicable to the county council as a tier one authority. However, there are some specific duties for tier 2 authorities. A more detailed analysis of the impact on those elements of the Bill as that apply to Newark and Sherwood DC are set out later in this report.

2.5 The framework for Domestic abuse as set out in the Bill is similar to that which has been seen for Safeguarding in that the County Council will be required to establish a board that will oversee the production of a local strategy to address domestic abuse and to support survivors and their families. Tier 2 authorities will be required to ‘co-operate in any way necessary’ with the County Council.

2.6 Preparation to-date for Implementation of the Act

In 2020/21, in preparation for the new duty, the financial allocations from MHCLG for the provision of support services for survivors of domestic abuse in safe accommodation was awarded to Tier one local authorities. Nottinghamshire County Council received £500,000. This was used by the County Council for the services to support 40 units covering different areas of the County. Four refuge providers are delivering these services. The refuge direct accommodation costs are funded through Housing Benefits, administered by district councils

2.7 An oversight group, the Nottinghamshire Safe Accommodation Group, was set established with the first meeting June 2020 for coordinating, monitoring and developing the services. In addition to the County Council and their service providers, this group enables partnership discussions with housing and community safety officers in Boroughs/Districts. The Safe Accommodation group is a subgroup of the Nottinghamshire Domestic and Sexual Abuse Executive. The DSA Exec reports

to the Safer Nottinghamshire Board (SNB), a group chaired by the Chief Executive of the County Council.

- 2.8 Nottinghamshire County Council has received an allocation from MHCLG (£50K) to commence preparation for the implementation of the new duty. Public Health has sought approval from the Council's Adult Social Care and Public Health Committee (9/11/2020) to recruit to a managerial position (1-year contract) to achieve this. Recruitment processes for this position has commenced).
- 2.9 The County Council is required to appoint a domestic abuse local partnership board for the purposes of providing advice to the authority about the exercise of the authority's functions. It is anticipated that the Board will:
- a. Assess, or make arrangements for the assessment of, the need for domestic abuse support for all victims (and their children) who reside in relevant safe accommodation in their area, including those who require cross-border support.
 - b. Prepare and publish a strategy for the provision of such support to cover their area having regard to the need's assessment.
 - c. Give effect to the strategy (for example through commissioning / de-commissioning decisions.)
 - d. Monitor and evaluate the effectiveness of the strategy.
 - e. Report back annually to central government.
- 2.10 Implications for NSDC
Secure tenancies and victims of domestic abuse - The Bill will require local authorities, when re-housing an existing lifetime social tenant, or offering them a new sole tenancy in their own home, to grant a new lifetime tenancy if the local authority is satisfied that the tenant or a member of their household has been a victim of domestic abuse and the new tenancy is granted in connection with that abuse.
- 2.11 Our Tenancy Policy sets out that we will grant the most appropriate form of tenure for their circumstances as determined by us and in accordance with relevant statutes. In all cases where the tenant has a secure tenancy they will be granted a new secure tenancy if we are satisfied as per 2.10 above.
- 2.12 **Homelessness** - The Bill gives those who are homeless as a result of fleeing domestic abuse, priority need status for accommodation secured by the local authority. This should allow more victims to access accommodation and prevent the fear of homelessness for victims seeking to flee abuse.
- 2.13 The Bill requires local authorities to give priority need status to all victims who are homeless and eligible for assistance. This will mean that victims will no longer need to prove they are vulnerable as result of their abuse in order to access accommodation secured by the local authority

- 2.14 Our Housing Options Team have been working with Nicki Richards (Domestic Abuse Co-ordinator for Newark & Sherwood and Bassetlaw) and can see no real change from existing methods of assessment for victims who are homeless and in priority need.

3.0 Proposals

- 3.1 The County Council are proposing to use the Domestic and Sexual Abuse Executive along with the Nottinghamshire Safe Accommodation Group working with this as a sub-group to fulfill the requirements to have a Domestic Abuse Partnership Board.
- 3.2 The DSA Executive is currently a thematic group reporting to the Safer Nottinghamshire Board. The DSA Executive meeting is normally attended by the Domestic Violence Co-ordinator on behalf of the Community Safety Partnership.
- 3.3 Clause 56 of the bill sets out the requirements in terms of membership of the board. It must *include 'at least one person appearing to the authority to represent the interests of local authorities for areas within its area'*.
- 3.3 Once there is more clarity on how the Board will operate there will need to be some consideration as to the district council's representation.

4.0 Equalities Implications

- 4.1 Local authorities are responsible for devising allocation schemes for social housing within a national framework. This is unchanged by the powers. In framing these criteria local authorities must have regard to their duties under the equalities legislation and the requirement to give overall priority to people in the reasonable preference categories. Local authorities must give 'reasonable preference' to all homeless people, regardless of priority need. This means that any homeless household fleeing due to domestic abuse should be given reasonable preference by the local authority.

5.0 Digital Implications

- 5.1 None from this report.

6.0 Financial Implications FIN20-21/8794

- 6.1 At present, the passing of the Domestic Abuse Bill will not have any additional financial implications to NSDC. Once there is more clarity on how the Domestic Abuse Partnership Board will operate and how NSDC will feed into this, any financial implications identified will be reported back to the committee.

7.0 RECOMMENDATION(S)

That Members consider the implications of the Domestic Abuse bill and how it will be implemented locally.

Reason for Recommendation(s)

To ensure the council can implement its duties under the Act when it becomes law.

Background Papers

Domestic Abuse Bill

For further information please contact Alan Batty on Ext 5467

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