



HEALTH AND WELLBEING BOARD: 8 JULY 2021

REPORT OF THE DIRECTOR OF PUBLIC HEALTH AND DIRECTOR OF CHILDREN AND FAMILY SERVICES

DOMESTIC ABUSE ACT 2021

Purpose of report

1. The purpose of this report is to provide the Health and Wellbeing Board with an overview of the work being undertaken locally as a result of the recently introduced Domestic Abuse (DA) Act 2021. The report also provides an update concerning the Recommissioning of Domestic and Sexual Violence and Abuse Services across Leicester, Leicestershire and Rutland.

Recommendation

2. It is recommended that the Board:
 - a) Notes the work being undertaken by partners in response to the recently introduced Domestic Abuse Act 2021, including the development of a Strategic Needs Assessment to assess the need for accommodation based domestic abuse support across Leicestershire;
 - b) Notes the update concerning the recommissioning of Domestic and Sexual Violence and Abuse Service across Leicester, Leicestershire and Rutland.

Policy Framework and Previous Decisions

3. The new model for the provision of domestic and sexual violence and abuse services was approved by Cabinet on 23rd March 2021.

Background

4. The Domestic Abuse Bill passed both Houses of Parliament and was signed into law on 29 April 2021. The Act is now law and will begin to be implemented across criminal justice systems and agencies later this year.
5. The Domestic Abuse Act is set to provide further protections to the millions of people who experience domestic abuse, as well as strengthen measures to tackle perpetrators.
6. Putting the definition and the accompanying guidance on a statutory footing, while also recognising the impact of domestic abuse on children, will ensure that domestic abuse is properly understood and that in seeking to tackle this abhorrent crime and

provide support services to survivors and their children, all public agencies and others are applying a common definition.

The definition of DA

7. 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; different types of relationships are captured, including ex-partners and family members.
8. Broad categories are listed which capture a range of different abusive behaviours, including physical, emotional abuse and economic abuse.
9. The Act also recognises that domestic abuse can impact on a child who sees or hears, or experiences the effects of the abuse and it treats such children as victims of domestic abuse in their own right where they are related to either the abuser or the abused, rather than as a witness.
10. New guidance on the definition will be issued which will also recognise that the majority of victims of abuse are female.

The Act will:

- Establish the independent office of Domestic Abuse Commissioner and set out the Commissioner's functions and powers to provide public leadership on domestic abuse issues and play a key role in overseeing and monitoring the provision of domestic abuse services.
- Provide for a new civil Domestic Abuse Protection Notice to provide immediate protection following a domestic abuse incident, and a Domestic Abuse Protection Order (DAPO) to provide flexible, longer-term protection for victims. A DAPN would be issued by the police and could, for example, require a perpetrator to leave the victim's home for up to 48 hours; breach of a DAPO will be a criminal offence, carrying a maximum penalty of up to five years' imprisonment, or a fine, or both. These will be tested in a small number of areas before national roll out.
- Prohibit perpetrators of abuse from cross-examining their victims in person in the civil and family courts in England and Wales.
- Extend the controlling or coercive behaviour offence to cover post-separation abuse.
- Extend the offence of disclosing private sexual photographs and films with intent to cause distress (known as the "revenge porn" offence) to cover threats to disclose such material.
- Create a new offence of non-fatal strangulation or suffocation of another person.
- Provide for a statutory domestic abuse perpetrator strategy. This will be published next year.
- 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. This enables the police to disclose information to a victim or potential victim of domestic abuse about their partner's or ex-partner's

previous abusive or violent offending. Work is underway across LLR to look at how this will be implemented.

- Provide that all eligible homeless victims of domestic abuse automatically have 'priority need' for homelessness assistance.
- Prohibit GPs and other health professionals in general practice from charging a victim of domestic abuse for a letter to support an application for legal aid.

Key issues for partnership working or affecting partners

11. The Act also places a duty on tier one local authorities to provide accommodation based support to victims of domestic abuse and their children in refuges and other safe accommodation and provides clarity over governance and accountability, requiring tier two councils (district/borough councils), to co-operate with the lead local authority.
12. A multi-agency Domestic Abuse Local Partnership Board must be appointed; across LLR there is already a strategic DASV Operations Group which will fulfil this function. Membership will be extended to comply with the new duty.
13. A Strategic Needs Assessment must be undertaken to assess the need for accommodation-based domestic abuse support across Leicestershire for all victims. This work has commenced, data is currently being collated from numerous agencies and a call has been put out to victims and survivors of DA to make contact and tell us about their experiences. It is imperative that as data and information is requested, it is released swiftly. The national DA charity SafeLives will work with partners to evaluate the findings in July.
14. The Needs Assessment will inform the development of a strategy for the provision of support to cover Leicestershire and inform commissioning / de-commissioning decisions.
15. Funding has been allocated by the Ministry of Housing and Communities and Local Government (MHCLG) to support all of this work; Leicestershire County Council has received £1,127, 205 whilst each District/Borough has received approx. £33, 000.

Issues in local areas

16. A County DA Act and Funding Group has been convened to support the response to the DA Act across Leicestershire, membership includes all districts/boroughs, Leicestershire County Council (Children and Family Service, Adult Social Care and Public Health) and Police for the "closed" part of the meeting and DA service providers join for the "open" session.
17. The Group has identified that therapeutic support for victims and survivors of DA, support for children and dispersed housing are all gaps in service that should be progressed whilst waiting for the Needs Assessment to be published. Funding for therapy and children's support has been sought, unsuccessfully, for several years.
18. Furthermore, the Group has identified the need for DA Accommodation Support Officers at the district/borough to co-ordinate and support victims who need safe accommodation. The proposal is to have job descriptions with the same, minimum

requirements across the County, with each locality adding other duties as required. Some districts/boroughs may pool funding depending on demand and resource requirement.

Recommissioning of Domestic and Sexual Violence and Abuse Services

19. Current contracts for domestic and sexual violence and abuse services across Leicester, Leicestershire and Rutland end on 31st March 2022. The service is currently provided by a consortium of three organisations (Living Without Abuse, Free from Violence and Abuse, and Women's Aid Leicestershire Ltd) known as UAVA (United Against Violence and Abuse). In addition, Leicestershire County Council commission Women's Aid Leicestershire Ltd to provide safe refuge accommodation.
20. Towards the end of 2019 a series of stakeholder workshops and a public consultation took place that informed the model for future services that are currently being jointly commissioned by Leicestershire County Council, Leicester City Council, Rutland County Council and the Police and Crime Commissioner (PCC).
21. The new model will include an LLR Helpline and Engagement Service; a Domestic Abuse (DA) Locality Service for county and Rutland , and a DA Locality Service for city; a LLR Sexual Violence Service; an Accommodation Related Support Service for county, and an Accommodation Related Support Service for city. In addition, the PCC and City are commissioning a Perpetrator Interventions Service.
22. Procurement is currently underway and tenders close mid-July with contract award expected end Oct and new services in place and operational on 1st April 2022.

Resource Implications

23. The County Council's DA Act funding allocation of £1,127, 205 is held in the Children and Family Directorate; the Community Safety Manager is working closely with the Commissioning Manger in Public Health on the forward plan and commissioning of services.

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Relevant Impact Assessments

Equality and Human Rights Implications

The Strategic Needs Assessment will consider the equality and human rights implications of the services provided to vulnerable victims of DA.