

29 March 2021

Agenda Item: 8

REPORT OF DIRECTOR OF PUBLIC HEALTH

LOCAL ALLOCATION TO DELIVER THE DOMESTIC ABUSE DUTY

Purpose of the Report

1. From the 1st April 2021, subject to Royal assent of the Domestic Abuse Bill, it is expected that Nottinghamshire County Council will receive statutory duties for commissioning Domestic Abuse support services for adults and children within safe accommodation. The purpose of this report is to update the Adult Social Care and Health Committee on:
2. The legal requirements of the Domestic Abuse Bill and the funding allocation for the County Council from the Ministry for Housing Communities and Local Government (MHCLG) for the provision of domestic abuse support services within safe accommodation.
3. To agree the request for ASCH committee to receive a commissioning plan by July 2021 for the future procurement of services based on the outcome of work being undertaken on local needs assessment and strategy development.
4. To authorises the circulation of (internal and external) communications on the Domestic Abuse Bill and duty.

Information

Domestic abuse local context and provision

5. Based on national data (ONS 2018), the Nottinghamshire County Domestic Abuse Joint Strategic Needs Assessment (2019)¹ reported that more than 79,000 people in Nottinghamshire have experienced abuse in the previous year, just over half of child protection plans in Nottinghamshire indicated domestic abuse. In the period 2015-18 there were 13 domestic homicide reviews. The year to June 2018 saw an increase of 14.4% in the reporting of domestic abuse with highest numbers of domestic abuse crimes reported in Ashfield and Mansfield.

¹ Nottinghamshire County Council (2019) Domestic Abuse Joint Strategic Needs Assessment. Nottinghamshire insight <https://www.nottinghamshireinsight.org.uk/research-areas/jsna/adults-and-vulnerable-adults/domestic-abuse-2019/>

6. Services for individuals experiencing domestic abuse are currently funded via the Ministry of Housing Communities and Local Government (MHCLG), Nottinghamshire County Council and Charitable support. As per ASCH committee report dated April 2019 these services include prevention work, training programmes, a 24/7 telephone helpline, one to one and group support services and support within refuge accommodation.
7. There are 40 units of refuge accommodation in Nottinghamshire funded through either MHCLG or Nottinghamshire County Council as per ASCH committee report December 2019. Survivors access this accommodation through: self-referral, following contact with helplines, domestic abuse sector, local authority district housing teams, social care and the police. The refuge provision in Nottinghamshire County comprises two main cost components. Sustaining suitable arrangements for people fleeing domestic abuse requires both components to be funded. The first is the cost of the accommodation, fully funded by district councils, through Housing Benefits. The second is the cost of the support services provided to survivors (women and their children) in refuges and other safe accommodation settings funded centrally by MHCLG and in the future via the Domestic Abuse duty allocation.

Statutory context and funding allocation

8. The Domestic Abuse Bill is being progressed through the Parliamentary system. The Bill will create a statutory definition of domestic abuse, establish a Domestic Abuse Commissioner along with enhancing legal processes. It will also place a duty on local authorities in England to provide support to survivors of domestic abuse and their children in refuges and other safe accommodation. It is anticipated these duties will commence from 1 April 2021.
9. The duties with regard to domestic abuse are:
 - I. Lead authorities to convene a multi-agency Local Domestic Abuse Partnership Board, to:
 - o Assess the need and demand for accommodation-based support for all victims and their children, including those who require cross-border support.
 - o Develop and publish strategies for the provision of support to cover the locality and diverse groups of victims.
 - o Make commissioning / de-commissioning decisions.
 - o Meet the support needs of victims and their children.
 - o Monitor and evaluate local delivery
 - o Report back to central Government
 - II. Lead authorities to have regard to statutory guidance in exercising these functions;
 - III. the Secretary of State to produce the statutory guidance; and
 - IV. Tier 2 district, borough and city councils and London Boroughs to co-operate with the Local Domestic Abuse Partnership Boards.

Nottinghamshire County Council will be responsible for delivering the first two requirements as the lead authority. These developments will need to be communicated to wider stakeholders and the public.

10. The MHCLG have allocated £1,540,091 per annum to the authority for the delivery of the domestic abuse duty. They have also allocated a further £223,315 to the districts and boroughs to deliver the duty (see appendix 1 for each districts allocation)². The first year of funding is confirmed and whilst not ringfenced authorities will be required to report on spend to meet the duty. A further two years funding has been committed to by MHCLG, future funding will be dependent on Comprehensive Spending Reviews. MHCLG have issued a Memorandum of Understanding (MOU) to the authority to formalise the working relationship and expectations. This MOU has been signed by the Director of Finance and returned to MHCLG by the date requested (17 March 2021).
11. This funding will include the expectation that authorities will provide support to survivors and children from outside of their area, to allow survivors easy movement to ensure safety away from perpetrators.

Next steps

12. A capacity building fund as detailed in the 9 November 2020 ASCH committee report is currently being used to map services across areas and develop a comprehensive needs assessment. It will also build local dedicated commissioning management capacity to facilitate discussions on delivering the new duty requirements with local stakeholders.
13. Engagement with the members of the Domestic and Sexual Abuse Executive will help identify and address potential challenges in implementation, review existing governance structures and local strategies and develop a comprehensive commissioning plan. There will also be a new Local Domestic Abuse Partnership established to continue to engage all stakeholders on the delivery of the duty.
14. The new strategy and commissioning plan will be developed in 2021/22 to fund local services to deliver the domestic abuse duty. To ensure there is no gap in service, while the commissioning plan is being completed, it is hoped, subject to procurement and legal advice, that the Council will be able to extend the existing services contracts for a further 12 months from the MHCLG financial allocation. This funding equates to £674,000, with a further £100,000 available to provide additional support for the children of those fleeing domestic abuse. Support will be sought from both Procurement and Legal colleagues as to how services can be provided for the 12 month interim period.
15. Subject to the outcome of the needs assessment it is anticipated the remaining budget will be used to prepare the local infrastructure, develop and agree multiagency pathways and pilot short term projects.

Reason/s for Recommendation/s

16. It is recommended that the authority develops a robust commissioning plan to deliver the duty requirements during 2021. The proposed arrangements will enable the smooth transition for

² <https://www.gov.uk/government/consultations/funding-allocation-methods-new-domestic-abuse-duty>

current services, whilst addressing the gaps and maintain partnerships with stakeholders across the system.

Statutory and Policy Implications

17.This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Data Protection and Information Governance

18.Services will be required to adhere to all data protection and governance processes.

Financial Implications

19.The report has been shared with the Director of Finance to consider the points raised in paragraph 7 and 10. The future funding committed by MHCLG is dependent on the Comprehensive Spending Reviews, further information is being sought from MHCLG.

Public Sector Equality Duty implications

20.The duty will require the authority to consider the availability of safe accommodation for all people with protected characteristics, alongside district partners.

Safeguarding of Children and Adults at Risk Implications

21.All domestic abuse survivors' and their children's needs will be aligned with wider safeguarding procedures.

RECOMMENDATION/S

It is recommended that the Committee:

- 1) Acknowledges the legal requirements of the Domestic Abuse Bill and the funding allocation for the County Council from the Ministry for Housing Communities and Local Government (MHCLG) for the provision of support for domestic abuse safe accommodation
- 2) Requests that a commissioning plan is brought back to Committee for consideration by July 2021 for the future procurement of services based on the outcome of work being undertaken on local needs assessment and strategy development
- 3) Authorises the circulation of (internal and external) communications on the Domestic Abuse Bill and Duty.

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Constitutional Comments (CEH 26/02/2021)

22. The recommendations fall within the remit of the Adult Social Care and Public Health Committee under its terms of reference.

Financial Comments (DG 26/02/21)

23. The MHCLG allocation of £1,540,091 per annum to the authority for the delivery of the domestic abuse duty, will be used to fund a proposed extension to the existing services contracts for a further 12 months from the MHCLG financial allocation. This funding equates to £674,000, with a further £100,000 available to provide additional support for the children of those fleeing domestic abuse. The remaining budget will be used to prepare the local infrastructure, develop and agree multiagency pathways and pilot short term projects

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- [Commissioning Domestic Abuse Support Services](#) (1 April 2019) – references the support to the Refuge provision across the County
- [Funding for support to survivors of Domestic Abuse within safe accommodation](#) (9 December 2019)
- [Consultation response and preparation for the Domestic Abuse duty](#) (9 November 2020)

Electoral Division(s) and Member(s) Affected

- All