

**6 November 2020****Agenda Item: 6****REPORT OF THE DIRECTOR OF PUBLIC HEALTH****CONSULTATION RESPONSE AND PREPARATION FOR DELIVERY OF THE  
DOMESTIC ABUSE DUTY****Purpose of the Report**

1. Subject to Royal assent of the Domestic Abuse Bill from 1st April 2021 it is expected that upper tier local authorities will receive statutory duties for commissioning domestic abuse support services in safe accommodation. The purpose of this report is to:
  - Provide an update on the proposed statutory duties and preparations for their receipt by the Council;
  - Seek comment and approval for the Nottinghamshire County Council consultation response on the proposed finance model to deliver the duties conferred by the Domestic Abuse Bill set out in Appendix 1;
  - Seek approval for recruitment to a 0.8 FTE Band D post for 12 months to prepare for and deliver the statutory duty.

**Information**Domestic abuse local context and provision

2. Based on national data (ONS 2018), the Nottinghamshire County Domestic Abuse Joint Strategic Needs Assessment (2019)<sup>1</sup> 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.
3. Support services for individuals experiencing domestic abuse are funded via the Government Ministry of Housing Communities and Local Government (MHCLG) and Ministry of Justice (MOJ), Nottinghamshire County Council, Police and Crime Commissioner and Charitable

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<sup>1</sup> 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/>

support (sought by the Providers). As per ASCH committee report dated April 2019 these services include prevention work, training programmes, 24/7 telephone helpline, 121 and group support services and support within refuge accommodation.

4. There are 40 units of refuge accommodation in Nottinghamshire funded through either MHCLG or the authority as per ASCPH committee report in 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 the proposed domestic abuse duty.

#### Statutory context

5. The Domestic Abuse Bill is being processed through the Parliamentary system. Subject to Royal Assent 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 1st April 2021.
6. MHCLG includes four-parts to the domestic abuse duty, the authority will be responsible for delivering the first two as the lead authority:
  - I. Lead authorities to convene a multi-agency Local Domestic Abuse Partnership Board, which must perform certain specified functions, as outlined and explained in statutory guidance. These are to:
    - Assess the need and demand for accommodation-based support for all victims and their children, including those who require cross-border support.
    - Develop and publish strategies for the provision of support to cover the locality and diverse groups of victims.
    - Make commissioning / de-commissioning decisions.
    - Meet the support needs of victims and their children.
    - Monitor and evaluate local delivery
    - 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.
7. The MHCLG will offer a package of financial support to help local areas meet the Statutory Duty and fulfil the expectations set out in the guidance. This will include the expectation that

authorities will provide support to survivors and children from outside of their area and to allow survivors easy movement to ensure safety away from perpetrators.

8. On 5 October 2020 the MHCLG announced the intention to provide a building capacity fund for local authorities to commence this work prior to the Bill being enshrined in law and a consultation on the funding allocation process.

#### Building capacity fund

9. The government is providing a £6 million capacity building fund to help local authorities prepare for the implementation of the new duty. It will ensure authorities are resourced to plan, prepare for implementation and properly engage with all key agencies in their area ahead of the new duty. The capacity building fund will be equally distributed to Tier 1 authorities. This funding will help authorities prepare so that, subject to successful passage of the Bill, they can start discharging the functions of the duty effectively as soon as it commences. For Nottinghamshire County Council £50,000 has been allocated.
10. Within Nottinghamshire County Council the Domestic and Sexual Abuse Executive (DSA) reports to the Safer Nottinghamshire Board. It is the intention to use the DSA as the partnership board to help shape and deliver on this agenda. To utilise this funding to build local capacity to;
  - Discuss the delivery of the new duty with local experts and stakeholders.
  - Engage with the members of the Domestic and Sexual Abuse executive to help identify and address potential challenges in implementation.
  - Mapping providers across areas, including non-commissioned and specialist services,
  - Review existing governance structures and local strategies
  - Review the current monitoring/service evaluation processes.
  - Review existing commissioning arrangement and co-production
11. To prepare for the duty additional staffing is required to manage the transition arrangement and develop the governance and partnership arrangements. Subject to committee approval it is proposed that the capacity building fund is used to appoint one Band D 0.8 FTE Public Health and Commissioning Manager for 12 months to deliver on this agenda from November 2020 – October 2021.

#### Consultation on funding allocation to deliver the DA Duty

12. On 5 October 2020 MHCLG opened a six-week consultation on the proposed funding allocation. The consultation closes on 13 November 2020.
13. There are three budgets included in the consultation;
  - Domestic abuse support services in safe accommodation (as detailed in paragraph 4)
  - An additional budget provided to tier 1 authorities to administrate the Duty (as detailed in paragraph 6-point i).
  - An additional amount for tier 2 authorities to support the delivery of the Duty (as detailed in paragraph 6 point iv)

14. The total amount will be decided through the national spending review scheduled for November 2020. This consultation relates to the apportionment of the monies available to deliver services.
15. MHCLG have proposed a proportion-based formula which is based on the number of adults in an upper tier local authority area, with a labour cost adjustment to make provision more equal across the Country. They have also proposed giving all upper tier local authorities the same amount of funding to administer the duty. Details are provided in Appendix 1 of the proposed consultation response from Nottinghamshire County Council.

### **Other Options Considered**

16. The other option available is to use staff available within the existing structure. This is challenging at present due to the additional demands on the Public Health team due to the pandemic.

### **Reason for Recommendations**

17. It is recommended that the authority prepares for the new duty and associated funding anticipated in April 2021. The preparations will enable the smooth transition for services and maintain partnerships with stakeholders across the system.

### **Statutory and Policy Implications**

18. 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.

### **Crime and Disorder Implications**

19. The Domestic Abuse duty will support the delivery of the domestic abuse agenda by providing safe accommodation across the County to enable survivors to flee domestic abuse.

### **Data Protection and Information Governance**

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

### **Financial Implications**

21. The Consultation has been shared with the Director of Finance and includes the finance available to deliver the duty, as raised in paragraph 16. Further financial considerations on staff recruitment in paragraph 14.

### **Human Resources Implications**

22. A Band D 0.8 FTE Public Health and Commissioning Manager for 12 months will be recruited to deliver on this agenda from November 2020 – October 2021. This additional post will use

the existing evaluated job description. The post is additional to current departmental resource to deliver the new duty responsibilities and will be recruited externally in line with the council's recruitment and selection procedures.

### **Public Sector Equality Duty implications**

23. 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**

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

## **RECOMMENDATION/S**

That Committee:

- 1) Acknowledges the proposed statutory duties and approves the preparations for their receipt by the Council outlined in the report;
- 2) Approves the Council's consultation response on the proposed finance model to deliver the duties conferred by the Domestic Abuse Bill set out in Appendix 1;
- 3) Approves the recruitment to a 0.8 FTE Band D post for 12 months to prepare and deliver the statutory duty.

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### **Constitutional Comments (HD – 28/10/2020)**

25. The recommendations within the report fall within the terms of reference for Adult Social Care and Public Health Committee.

### **Financial Comments ([initials and date xx/xx/xx])**

26. To follow

**HR Comments (SJ/RH 29/10/20)** This additional post will follow the new duties and responsibilities and be recruited externally in line with the council's recruitment and selection procedures.

### **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.

- Domestic Abuse Services (3 February 2020)
- Funding for support to survivors of Domestic Abuse within safe accommodation (9 Dec 2019)
- 'Commissioning Domestic Abuse Support Services (1 April 2019) – references the support to the Refuge provision across the County
- 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/>

### **Electoral Division(s) and Member(s) Affected**

- 'All'

## Appendix 1: New Duty on Local Authorities to Provide Domestic Abuse Support in Safe Accommodation in England

### Public Consultation on Allocation methods for the associated New Burdens Funding. Released by MHCLG on 5<sup>th</sup> October closing 13<sup>th</sup> November.

Draft - Nottinghamshire County Council Response (Oct 2020). Response to be completed online (<https://www.smartsurvey.co.uk/s/DADutyAllocationConsultation/>)

**Summary:** Over the past years MHCLG have release funding to DA service support for refuge provision. In 2020/21, following an Autumn 2019 bidding process, a fund of £500,000 was awarded to Nottinghamshire County Council. Support services to 40 units through four providers in the County have been commissioned with this. This was the first year the monies had been received by the Council, a development instigated by the guidance in the new Domestic Abuse Bill. Previously the funding has been applied for and managed by the District/Borough Councils in Nottinghamshire. The Districts and Boroughs still have a key role to play through their housing and community safety remits. In Nottinghamshire both tiers of authority meet regularly at the Domestic and Sexual Abuse Executive (DSA Exec) and the newly formed subgroup the Nottinghamshire Safe Accommodation group.

From April 2021, to support Local Authorities comply with the new statutory duties set out in the Domestic Abuse Bill, a specific funding allocation will be provided to each tier 1 local authority from MHCLG, specifically to provide DA service support in safe accommodation e.g. refuge. In addition an admin support budget is proposed for tier 1 and tier 2 authorities. The total amount will be decided through the national spending review scheduled for November 2020. This consultation is regarding the apportionment of the monies available for these support services. MHCLG have proposed a proportion-based formula which is based on the number of adults in an upper tier local authority area, with a labour cost adjustment to make provision more equal across the Country. They have also proposed giving all upper tier LAs the same amount of funding to administrate the duty.

Please see draft responses to questions highlighted in red in the table below.

About you
Q1. Are you answering the consultation as? a. An individual with personal interest b. An individual as a member of an organisation c. <b>An Upper Tier Local Authority</b> d. A Lower Tier Local Authority e. Other
Q2. From the list below, where are you or your organisation based? a. London b. South East c. North West d. East of England e. West Midlands f. South West g. Yorkshire and the Humber h. <b>East Midlands</b> i. North East j. National

The proposed allocation method for support costs
<p>Q3. Do you agree with the proposed approach for allocation of support costs (population-based formula + labour costs adjustment)?</p> <p>a. <b>Yes</b></p> <p>b. No</p> <p>c. Comments</p>
<p>Q4. Should the labour costs adjustment factor be taken from a) the existing or b) the updated Area Cost Adjustment (ACA)? – <b>awaiting finance guidance on this answer</b></p> <p>a. The existing ACA</p> <p>b. The updated ACA</p> <p>c. comments</p>
<p>Q5. Are there other factors that should be included in the formula?</p> <p>a. <b>Yes</b></p> <p>If answered Yes, please provide evidence in support of the argument.</p> <p><b>If the scope of the provisions is anticipating a quality provision in rural areas, then the increased cost of delivering services per unit of population should be factored in to the calculation for transport costs. The financial offer and strength of specification will determine the service options between urban and rural settings.</b></p> <p><b>The formula should incorporate a quality mark in terms of the number of refuge units available in each Tier 1 authorities. This is crucial to enable a similar level of refuge provision in all authority areas, enabling the flow of survivors between areas as they access refuge appropriate to their geographical needs.</b></p> <p><b>In the 2021/22 formula, existing refuge provision should be considered in the formula to maintain provision. The timescales for recommissioning services at a different level to the present provision will be challenging in-light of overall national refuge budget decisions pending the outcome of the national spending review.</b></p> <p>b. No</p>
<p>Q6. Do you agree that funding element of support costs should be allocated to Tier 1 authorities only?</p> <p>a. <b>Yes</b></p> <p>b. No</p> <p>c. Comments.</p> <p><b>Yes, we would consider this appropriate in-line with Tier 1's overarching responsibility in delivering against the duty and facilitating this delivery within a strong governance framework as set out in the DA Bill.</b></p>
The proposed allocation method for administrative new burden costs
<p>Q7. Do you agree with the proposed approach for allocation of the administrative new burden for Tier 1 authorities (equal split + labour costs adjustment)?</p> <p>a. <b>Yes</b></p>



b. No

c. Comments

Yes, we agree and would recommend the amount is sufficient to cover 0.8 FTE of a management scale position, and the additional costs incurred (i.e. room hire). This will equate to £50-55K per year.

Q8. Do you agree with the proposed approach for allocation of the administrative new burden for Tier 2 authorities (equal split + labour costs adjustment)?

a. Yes

b. No

c. Comments

Yes, we would recommend all Tier 2 authorities receive the same allocation, and the approach suggested in the consultation is appropriate. We would recommend the level of the allocation needs to be in the same remit as Tier 1 enabling a dedicated role (full or part) per authority. Tier 2 remit includes the role of linking into the housing teams, community safety elements as well as back to the Board. Specifications details on the remit for Tier 2 expectations will be beneficial to support the consistency of approach and offer with a Tier 1 authority.

Q9. Are there other factors that should be included in the formula?

a. Yes

If answered Yes, please provide evidence in support of the argument.

Yes, the details of the strength of governance arrangements in relation to the Local Partnership Boards will need to be specified and allocated as part of the baseline allocation.

b. No

Q10. Is there anything else which was not mentioned in relation to the proposed allocation method and should be considered?

[comments]

Yes, the importance of ensuring that the timeframes of allocations is congruent with existing safe accommodation support provision resourced by MHCLG ending on 31<sup>st</sup> March 2021. New services will need to be procured and aligned to the new financial allocations. If the timeframes do not match procurement procedures, then an early commitment that the allocation for 2021/22 will be a match/exceed the MHCLG grants awarded in 2020/21 would be needed as no other financial envelopes are available through the LA or the domestic abuse providers to sustain the services at this time.

Yes, the specifics of what safe accommodation services are anticipated in terms of what is in and out of scope. Also, the framework to be adopted for assessing value for money and the quality of the provision. These details will need incorporating into the proposed allocations to provide the baseline for financial allocation to all areas.

Yes – standardised reporting procedures for the funding, with clearly defined terms to avoid confusion.