

## **Domestic Abuse Bill – Home Office consultation**

### **Purpose of report**

For discussion and direction.

### **Summary**

The Home Office has published a consultation on the Domestic Abuse Bill, seeking stakeholder views on what should be included in the Bill and other supporting non-legislative measures. This paper outlines the details of the consultation and accompanying policy announcements and seeks members' views on the consultation to inform the LGA's policy position and response.

### **Recommendation**

Members of the Safer and Stronger Communities Board are asked to provide their views on the Domestic Abuse Bill consultation to inform the LGA's response.

### **Action**

Officers to draft a response to the consultation on the Domestic Abuse Bill, and to progress with the work on Domestic Violence and Abuse as directed.

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## **Domestic Abuse Bill – Home Office consultation**

### **Background**

1. In the Queen’s Speech on 21 June 2017, proposals for a new Domestic Violence and Abuse Bill and new Domestic Violence and Abuse Commissioner were announced. The LGA provided the Home Office with our initial response to the proposals at the National Oversight Group on Domestic Violence, and has continued to provide feedback at further meetings of the Group and through regular meetings with officials.
2. On 8 March 2018, the Government published a [consultation](#) seeking views on proposals for what should be included in the draft Bill and other non-legislative announcements. The closing date for the consultation is **31 May 2018**.
  - 2.1. [Government consultation document](#).
  - 2.2. [Accompanying press release, Home Office and Ministry of Justice](#)
  - 2.3. [Impact Assessment](#)
3. The Government is outlining a combination of legislative and non-legislative approaches for delivering the proposals set out in the consultation. Where primary legislation is required, the responses to the consultation will inform the content of the draft Domestic Abuse Bill.
4. The Government has said it welcomes responses from victims and survivors as well as a range of organisations which deal with these issues on a daily basis. We will be encouraging member councils to respond to the consultation, and will also submit a response on behalf of local government.
5. The consultation seeks views under the four main themes intended to support an overall aim of preventing domestic abuse. These are summarised below then explored in more detail in the following sections:
  - 5.1. **Promote awareness** – Proposals to help put domestic abuse at the top of everyone’s agenda, and raise public and professionals’ awareness.
  - 5.2. **Protect and support** – Proposals to enhance the safety of victims and the support that they receive.
  - 5.3. **Pursue and deter** – Proposals to ensure an effective response to perpetrators from initial agency response through to conviction and management of offenders (including rehabilitation).

- 5.4. **Improve Performance** – Proposals to drive consistency and better performance in the response to domestic abuse across all local areas and agencies/sectors.

### **Promoting awareness**

6. The consultation proposes to:

6.1. Introduce a new statutory definition of domestic abuse, which includes economic abuse as one example of the type of victim experience. It also sets out a focus on improving the identification and response to domestic abuse by organisations and individuals.

6.2. Increase young people's awareness and understanding of healthy relationships, including through high quality relationship and sex education. The Department for Education have conducted an assessment of what should be included in Relationships Education and Relationships and Sex Education (RSE), and intend to develop regulations and accompanying statutory guidance for these subjects, which will be available for public consultation.

### **Protect and support victims**

7. The consultation outlines the importance of improving support services for all victims of domestic abuse, in particular recognising the detrimental effect that experiencing domestic abuse can have on children. One of the key priorities in the consultation is how the Government can encourage effective multi-agency working which delivers holistic support to victims.
8. The Government has commissioned an independent, external audit of domestic abuse services to provide a complete picture of provision across England. The audit will report in spring 2018, and the review will be completed by summer 2018.
9. The consultation also references the supported housing and social housing consultations Government launched in 2017, which will have a significant effect on wider domestic abuse reform. It acknowledges the need for sustainable funding of refuges, to ensure there is no postcode lottery when it comes to provision across the country but recognises that local authorities, working in partnership with agencies such as the police and health bodies and specialist domestic abuse service providers, are best placed to assess and meet the need for safe accommodation for victims from both within and outside their local area.
10. The consultation seeks views on a range of issues including victims who have specific and/or multiple needs; what more the Government can do to better support victims who face barriers to support including female offenders who often have a history of domestic

abuse, and the challenges for those victims who have no recourse to public funds and are therefore particularly vulnerable.

11. Government proposes to create a new Domestic Abuse Protection Order which strengthens the existing order regimes, and to put the Domestic Violence Disclosure Scheme into law to drive greater use and consistent application across the country.
12. The consultation considers what can be done to help victims of economic abuse to escape and recover, and reflects on the role of technology in domestic abuse, both in how it can be a tool used to abuse victims, and how it can be used to support and protect victims.

### **Pursue and deter perpetrators**

13. The consultation outlines recent action to improve the police response and asks how compliance can be improved. It also considers how to improve victims' experience of the justice system, to ensure victims come forward and support prosecutions through to conclusion.
14. It seeks views on the coercive/ controlling offence introduced in 2015 and whether sentencing and cautions are appropriate, and lead to reduced reoffending. It also considers what changes would improve the management of serial perpetrators and what more could be done to work with perpetrators to change their offending behaviour.

### **Improve performance**

15. The consultation:
  - 15.1. Recognises that in order to better understand what works, high quality data is required – and asks what the priorities for improving data collection should be.
  - 15.2. Proposes that a Domestic Abuse Commissioner would have a key role in overseeing and monitoring provision and domestic abuse services, as well as providing public leadership on domestic abuse issues.
  - 15.3. Considers how learning from domestic homicide reviews can lead to change, and explores how the government and local authorities can better share what works in commissioning and delivering victim services.
16. The Government have said their approach to domestic abuse is framed within the Violence Against Women and Girls (VAWG) strategy, which will be refreshed later this year. The LGA has been liaising with the Home Office on the plans to renew strategy.

### **Creation of the Independent Domestic Abuse Commissioner role**

17. As part of the consultation the Government has proposed to appoint an independent Domestic Abuse Commissioner who would provide leadership on domestic abuse issues and play a key role in overseeing and monitoring provision of domestic abuse services in England and Wales.
18. The role of the Commissioner would be to stand up for victims of domestic abuse and their children, raise awareness of the issue, and monitor and oversee delivery of services including those provided to the majority who may never come into contact with the criminal justice system.
19. Government outlines the budget for the Domestic Abuse Commissioner is likely to be around £1 million per year which would be provided by the Home Office. This would provide for the Commissioner's salary, as well as the employment of a team of support staff. It will enable the Commissioner and their staff to travel, conduct research and produce reports, as the role requires.
20. The consultation proposes that the Domestic Abuse Commissioner could have the powers and resources to:
  - 20.1. Map and monitor provision of domestic abuse services against the National Statement of Expectations, and publish information to showcase and share best practice, as well as to highlight where local provision falls short of what is expected.
  - 20.2. Require local public bodies to cooperate and provide information.
  - 20.3. Oversee the Domestic Homicide Review Quality Assurance process, feeding lessons learned into their recommendations.
  - 20.4. Oversee compliance with the Specialist Domestic Abuse Courts Manual.
  - 20.5. Publish findings in reports laid before Parliament.
  - 20.6. Provide recommendations to public bodies, including national and local government to improve the response to domestic abuse, accompanied with a duty on the responsible person/organisation to respond to these recommendations.

### **Wider funding and policy announcements**

21. As part of the consultation the Government is also seeking views on how to allocate some of the £20 million funding announced to help victims of domestic abuse.

19 March 2018

22. Following the [LGA's call](#) for an injection of funding into early intervention initiatives to support children who have experienced domestic violence, the Government allocated £8 million to support children who witness domestic abuse, and help with their recovery through locally commissioned projects. We issued a [press release](#) in response to this announcement welcoming the additional funding.
23. The Government also dedicated £2 million to supporting female offenders who have been victims, as over 60 per cent have indicated they have experienced domestic abuse. An additional £2 million will be used to extend a healthcare pathfinder pilot across further hospital trusts and help direct domestic abuse victims to the full range of services they need.
24. The consultation will seek views on how the remaining funding for victims of domestic abuse will be allocated. This will form part of the LGA's response to the consultation.

## **Issues**

### ***Strategic approach***

25. Our response to the consultation will highlight the broad approach that councils want to be able to take to domestic abuse, which we have been emphasising in our recent work. Our key lines are that the focus in domestic abuse work must be on disrupting the lives of victims and their families as little as possible. Where it is safe to do so, victims should be assisted to remain in their own homes and the offenders removed, rather than the other way round. To support this, there needs to be greater investment in reducing offending and dealing with serial perpetrators; but there is also a need for flexibility in designing services so they meet local needs, including in the provision of better emergency accommodation (such as self-contained flats as well as refuges) where it is not possible for victims to remain in their own homes.
26. The consultation suggests the new Domestic Abuse Commissioner will map and monitor provision of domestic abuse services against the National Statement of Expectations (NSE), publish information to showcase and share best practice, and highlight where local provision falls short of what is expected. On this point our response will highlight that while councils are supportive of the NSE objectives it will take some time to fully achieve all its objectives. Therefore, whilst it is important the Commissioner is bold and ambitious in what they look to others to achieve, they must also be realistic about the funding available from the VAWG fund (which was delayed) and the wider financial climate that councils and their partners are operating in.

### ***Joined-up proposals and new burdens***

27. The Government's approach to domestic abuse is framed within the Violence Against Women and Girls (VAWG) strategy, which will be refreshed later this year. Our response to the consultation will emphasise the need for proposed legislation and non-legislative reforms on domestic abuse to be joined up with proposed changes to the supported

housing and social housing models as well as council's new duties under the Homelessness Reduction Act.

28. The LGA's responses to these consultations acknowledged there is considerable concern amongst third sector partners about the potential impact of the short-term accommodation grant on funding refuge provision, where provision to meet need is already in short supply. The LGA has said it is essential that the Government provides adequate ring-fenced funding now and in the future, so that councils and partners can secure short-term housing for all people in vulnerable circumstances with support needs.
29. The Government's social housing consultation proposed new statutory guidance for local authorities, designed to help victims of domestic abuse who are currently living in a refuge or safe temporary accommodation to move into social housing. Whilst we welcomed new guidance, we emphasised the importance of helping the victim of domestic violence to remain in their own home, if it is safe to do so. The Government expects to issue new guidance in spring 2018.
30. We will also emphasise that any additional costs falling on local government from these housing changes are covered by the new burdens doctrine and must allow for long-term strategic planning and investment. This applies equally in relation to other proposals in the consultation document; for example, the Domestic Abuse Protection Order may include conditions such as alcohol or addiction treatment programmes or parenting programmes, which would need to be supported through additional funding for these services.

### **Home Affairs Committee – Domestic Violence and Abuse inquiry**

31. The Home Affairs Committee has launched a [select committee inquiry into domestic violence and abuse](#), to coincide with the Government's consultation on the Bill. The purpose of the inquiry will be to address the legislation and consider what other policies should be pursued for the Government's strategy to be most effective. The terms of reference and deadline for submissions are still to be confirmed, but it is likely that the LGA will wish to submit evidence.

### **Questions to consider**

32. What is the initial feedback from Board members on the Domestic Abuse consultation and the associated funding announcements made on 8 March 2018? Are there any additional measures which you would like to see included?
33. Do you agree with the proposed model for a Domestic Abuse Commissioner?
34. Are there any measures you do not agree with?

**Financial Implications**

35. All work can be carried out using existing LGA resources.

**Implications for Wales**

36. The proposals set out in the consultation document broadly apply to England and Wales, including some relating to health and health services that are devolved matters for Wales. The UK Government will seek a legislative consent motion for any legislative measures that may impact or fall within the legislative competence of the National Assembly for Wales.

**Next steps**

37. Officers to develop a response in line with the steer provided by the Board, and to confirm whether the LGA should submit evidence to the Home Affairs Committee inquiry on domestic violence and abuse.