

Company Number 11177145

Domestic Abuse

Purpose of report

For discussion

Summary

This paper provides a brief overview of the latest policy developments on domestic abuse, to accompany the presentation from Nicole Jacobs, designate Domestic Abuse Commissioner, who will be speaking about her new role and her upcoming priorities.

Recommendation

Members of the Safer and Stronger Communities Board are asked to note this paper and provide any further feedback.

Action

Officers to take forward as directed.

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Background

Domestic Abuse Bill

1. In June 2017, the then Government's Queen's Speech included a commitment for a landmark Domestic Abuse Bill that would enshrine a definition of domestic abuse in law and create a new statutory domestic abuse commissioner.
2. Since 2017, the LGA has been closely involved in tracking the development of the new Bill. We [responded](#) to a consultation seeking views on legislative and non-legislative measures for tackling domestic abuse. Alongside this Cllr Simon Blackburn, Chair of the LGA's Safer and Stronger Communities Board, gave [oral evidence](#) to the Home Affairs Select Committee, which considered the Government's proposals for the Bill.
3. In January 2019, the Government published its response to the consultation, alongside a draft Bill. In May, Councillor Blackburn gave [oral evidence](#) to a Joint Committee of Parliament providing pre-legislative scrutiny of the Bill. The Government subsequently introduced the Bill into the House of Commons in July 2019. Following the appointment of a new Prime Minister, the Government committed to carry-over the Bill in the Queen's Speech 2019 and the Bill was [re-introduced](#) in October 2019.
4. At the point at which Parliament was dissolved for the General Election next month, the Domestic Abuse Bill was in the committee stages in the House of Commons (although the LGA's planned evidence session to the committee had been postponed). The Minister for Domestic Abuse, Victoria Atkins, has given a commitment that if re-elected, the existing Government will re-introduce the Bill. Although at the time of writing political party manifestos have yet to be published, our assumption is that whichever party forms the new government is likely to continue with some form of Domestic Abuse Bill, given the progress that has already been made on this.

Key provisions in the Bill

5. The key measures in the Bill:
 - 5.1 create a new statutory definition of domestic abuse, including economic abuse;
 - 5.2 establish a Domestic Abuse Commissioner in law;
 - 5.3 create new domestic abuse protection notice and orders;
 - 5.4 put the guidance underpinning the Domestic Violence Disclosure Scheme on a statutory footing, and
 - 5.5 introduce a range of protections for victims of domestic abuse going through the criminal justice system, including:

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- 5.5.1 creating a legislative assumption that domestic abuse victims are to be treated as eligible for special measures in criminal proceedings; and
 - 5.5.2 prohibiting perpetrators of domestic abuse cross-examining their victims in family court proceedings.
6. Alongside this, the current Government had also announced that it would include within the Bill a legal duty on local authorities to deliver accommodation based support to victims of domestic abuse, following an MHCLG [consultation](#) earlier this year. The recent Government response to this consultation proposes that the duty should fall on tier 1 local authorities (upper tier authorities except in London, where the duty would sit with the GLA) to convene local partnership boards to assess local need; and a duty on tier 2 authorities (lower tier authorities and London boroughs) to cooperate.

LGA perspective on the Bill

7. The LGA has been supportive of the introduction of the Domestic Abuse Bill; domestic abuse is a horrendous crime, and we know that councils want to do all they can to tackle and prevent it. There is much in the Bill that we support, such as the creation of a statutory definition of domestic abuse, including economic abuse, and the establishment of the Domestic Abuse Commissioner role.
8. However, we have also consistently argued that to be successful in breaking the cycle of domestic abuse, the Bill must be underpinned by a cross-Government response, incorporating health, housing and education, with an equal focus on funding for prevention and early intervention measures that aim to prevent domestic abuse happening in the first place.

Domestic Abuse Commissioner

9. The LGA supports the creation of the Domestic Abuse Commissioner post, and welcomes the appointment of Nicole Jacobs (see biography below) as the designate Commissioner. We have worked closely and constructively with the Independent Anti-Slavery Commissioner, and hope to replicate this relationship with the Domestic Abuse Commissioner.
10. It will be vital both that the Commissioner is able to operate fully independently, and that there is sufficient parliamentary time to consider the reports submitted by the Commissioner. We would support consideration of the Commissioner's findings by a select committee, so that there is added weight to any recommendations.
11. We are also calling for the key learning and best practice from Domestic Homicide Reviews (DHRs) to be shared at a national level. Any findings or recommendations should contribute towards the Commissioner's Annual Report. This is not being done currently and it could help identify key areas of improvement that could help to save lives and protect domestic abuse victims.
12. The Commissioner should be the 'ultimate critical friend' to the Government, councils, local agencies and all our partners on the issue of domestic abuse, and should have a reasonable

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expectation that her guidance will be followed. However, there must be some flexibility within this, as here is no one size fits all approach to tackling this issue, and we would not support the Commissioner role having the power to direct councils.

Victim support and housing

13. We have some concerns about the proposed statutory duty for councils to provide accommodation based support to victims of domestic abuse.
14. First and foremost, support for victims of domestic abuse must be viewed within the wider context of community-based support for domestic abuse victims. Where possible, victims of domestic abuse should be supported to remain in their own home if it is safe to do so. Although the Government has stressed that it intends this duty to be broad, we have some concern that a legal duty on local authorities to provide domestic abuse accommodation-based services may come at the expense of other domestic abuse initiatives, or create a perverse incentive to enter accommodation-based services if that is the main route to accessing support. We are aware that a number of organisations within the sector share the concern that this duty is very narrow and have called for it to be extended.
15. A broader concern about the duty is the extent to which it will be fully funded, and the fact that currently the statutory duty will apply only to local authorities. Tackling domestic abuse requires input from a wide range of agencies, including health, the police and the housing sector, so it is unclear why a duty should sit with councils alone; or how it relates to other proposed new duties around serious violence. It is vital that there is a coordinated and comprehensive approach taken across the whole of Government and through the Domestic Abuse Bill, rather than a piecemeal approach focusing on specific aspects of the response to domestic abuse.

Early intervention and prevention

16. Alongside the proposed new duty and the Bill's focus on criminal justice measures, there is a pressing need to focus on early intervention and prevention. We need to intervene in cases of domestic abuse before the point of a crisis response, and implement programmes and approaches that seek to minimise and eradicate domestic abuse in the long term.
17. This means investing in key frontline professionals to enable them to spot the warning signs, and working closely with schools to inform them when a child has witnessed a domestic abuse incident. It also means speaking to children earlier and consistently about what a healthy relationship looks like. We welcome the new requirement for schools to teach Relationships and Sex Education (RSE), which will help children to understand healthy relationships, but urge the Government to invest in the necessary resources and training to make this effective.
18. To stop domestic abuse from occurring, we need to be taking co-ordinated and urgent action against the perpetrators of abuse. However, there is currently limited reliable research or evidence that enables agencies to select and deploy interventions they know are effective in changing the behaviour of perpetrators. Councils have found that perpetrator programmes

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which aim to change offenders' behaviour and stop reoffending have often lacked funding or are only commissioned as part of temporary pilot schemes.

19. There needs to be a focused effort across agencies to develop and test interventions with perpetrators. Once interventions are identified, they need to be made available for all levels of risk and need, particularly at the stage of early intervention. More needs to be done to develop an evidence base that is extensive and rigorous enough to justify investment. This is why we are supporting the campaign, run by Safe Lives, Respect and Social Finance, for a National Domestic Abuse Perpetrator Strategy.

Local government funding

20. Councils want to do all that they can to work with partners to tackle and prevent domestic abuse, but pressures on local government funding and services create challenges for them in doing so. Local services face significant cost pressure due to demand and inflation alone, and many of these pressures fall on services - such as children's services and housing - which are vital in terms of providing support to victims and their families and trying to prevent domestic abuse in the future.
21. With domestic abuse a factor in the majority of child protection cases, we would like to see more emphasis on how children can be supported when they have experienced domestic abuse. There must be greater investment in child and adolescent mental health services and early intervention work to mitigate the impact of adverse childhood experiences based around domestic abuse.
22. This legislation comes at a time when local government, and particularly children's services, are facing unprecedented demand. Councils have worked hard to protect budgets for essential child protection services, but funding pressures have led to difficult decisions in other parts of the service, reducing vital early intervention work and leaving children and young people unable to access support until they reach breaking point.
23. In order to support victims and tackle domestic abuse, we need adequate and sustainable long term funding for key services, including the new accommodation based support for victims.

Domestic Abuse Commissioner – background information

24. In September 2019, Nicole Jacobs was [appointed](#) as designate Domestic Abuse Commissioner, in advance of the Bill progressing through Parliament, whereby the Commissioner's office is expected to be placed on a statutory footing. Ms Jacobs was the former Chief Executive Officer at charity Standing Together Against Domestic Violence and has more than two decades of experience working to reduce domestic abuse.
25. The Domestic Abuse Commissioner will be expected to lead on driving improvements and encouraging good practice in both preventing domestic abuse and in the response to it; identifying those at risk of abuse as well as those perpetrating it; improving the protection and provision of support to those affected by domestic abuse, and making recommendations on what more should be done to better protect victims and bring more offenders to justice.

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The Commissioner will also be able to publish reports that hold statutory agencies and the Government to account. Specified public bodies including councils will be under a duty to cooperate with the Commissioner.

26. The Commissioner will be expected to map and monitor provision of services, make recommendations to public bodies about their response, carry out research, work jointly with public authorities and voluntary organisations, and raise public awareness of domestic abuse. The Commissioner will also consider both specialist domestic abuse services such as refuges or specialist victim services, as well as how mainstream services identify and respond to victims and survivors.
27. In October 2019, Nicole Jacobs gave [oral evidence](#) to the Public Bill Committee scrutinising the Domestic Abuse Bill in the House of Commons. She set out her vision to help create a co-ordinated community response to domestic abuse, where specialist services have the survivor voice at the centre of the response. She also spoke about the importance of all entities, including housing, health, the criminal justice system and community and religious groups, doing their part to address domestic abuse properly.
28. On the statutory duty for accommodation-based services, Ms Jacobs said she thought the statutory duty should be expanded to the breadth of frontline services for domestic abuse. Ms Jacobs recognised that local authorities are constrained and they do have to make difficult financial decisions and savings. However, she hopes the accommodation-based statutory duty will go some way to addressing the 'postcode lottery' of domestic abuse provision.
29. Ms Jacobs stated that she felt the powers set out in the Bill are fit for purpose and that she intends to work closely with the other Commissioner posts, including the Victim's Commissioner and the Children's Commissioner.

Possible questions for the Commissioner

30. How do you see your new role as the designate Domestic Abuse Commissioner working with local authorities?
31. What are some key actions that local authorities could take to help improve the response to domestic abuse?
32. Do you see it as your role to highlight some of the systemic and funding blockages that make it harder for councils to support victims of domestic abuse and prevent it happening in the future?
33. Do you have any views on how the learning from Domestic Homicide Reviews could be shared at a national level to improve the response to domestic abuse?

Implications for Wales

34. The Domestic Abuse Bill applies to England and Wales, although the duty to cooperate applies only to English councils. While the role of the Domestic Abuse Commissioner

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extends to Wales, the remit of the Commissioner's work will cover areas that are both reserved and devolved; the Bill therefore contains a provision to prevent the Commissioner exercising her functions in relation to matters that are devolved in Wales.

Financial Implications

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

Next steps

36. Officers to note any feedback from Board Members and take forward any future work, as directed.