

Local Government Association Briefing

The Domestic Abuse Bill

Committee stage, House of Commons

9 June 2020



Key messages

- The Domestic Abuse Bill introduces important measures which will help to raise awareness of domestic abuse and will go some way to providing additional support to domestic abuse victims and help to challenge perpetrator's behaviour. It is a positive step in the right direction.
- Alongside the Bill's focus on crisis interventions and criminal justice, tackling domestic abuse requires a cross-government response incorporating health, housing and education. We need an equal focus on, and funding for, prevention and early intervention measures that aims to prevent domestic abuse happening in the first place.
- In addition to the measures in the Bill, the Government should provide long-term and sustained investment in early intervention and prevention programmes and wider community-based support. This should include investment in perpetrator programmes, which is why we are calling on the Government to introduce a National Domestic Abuse Perpetrator Strategy.
- This legislation comes at a time when, even prior to the eventual long-term impact of the COVID-19 pandemic, local government's services, particularly children's services, were already facing unprecedented demand.
- The funding that the Government has announced in order to tackle domestic abuse during COVID-19 is welcome. We now need a long-term settlement as these one-off, short-term funds do not provide consistency or sustainability in the sector. Long-term, sustainable funding can help transform the response to domestic abuse.

Briefing

Amendment statements

- **Amendment 1, tabled by Philip Davies MP and Bob Stewart MP, intends to remove economic abuse from the definition of domestic abuse.**

We oppose Amendment 1 which seeks to remove economic abuse from the definition of domestic abuse.

It is important for economic abuse to be included in the statutory definition of domestic abuse. Economic abuse reinforces or creates economic instability, which can limit a domestic abuse victim's choices and ability to access safety. Lack of access to economic resources can result in a domestic abuse victim staying with an abusive partner for longer than they would like and experiencing more harm as a result.

Economic abuse means the perpetrator will try to exert control over how their partner acquires money and economic resources, or limit or sabotage their partner's ability to use or maintain economic resources. For example, this could be preventing a partner from claiming benefits or taking their pay; making the victim justify every purchase made; or build up debt in their partner's name, sometimes without their knowledge.

The Surviving Economic Abuse has excellent resources [available](#) on tackling economic abuse and providing help and assistance for someone experiencing economic abuse.

- **Amendments 43 and 44, tabled by Peter Kyle MP and Jess Phillips MP, intends to change the Bill so that the Secretary of State may request, rather than direct, the Commissioner to omit material from a report.**

We support any amendments to the Bill that will ensure the Domestic Abuse Commissioner has full independence in their role. This is vitally important to ensure the Commissioner has the right powers and responsibilities and can act effectively on behalf of domestic abuse victims and put forward clear recommendations to Government and agencies to improve the response to domestic abuse.

We feel confident that if the Government requested any omissions or changes to the Domestic Abuse Commissioner's report for the purposes of victim's safety or ongoing criminal investigations or court proceedings, that these would be considered by the Commissioner's office and a suitable agreement could be reached.

The importance of independence was emphasised by the former Independent Anti-Slavery Commissioner, Kevin Hyland OBE, who called for the independence of the Commissioner's office to be legally bestowed rather than at the discretion of Government departments.

- **Amendments 45 and 46, tabled by Peter Kyle MP and Jess Phillips MP, intends to change the requirement for the Commissioner to submit an annual report to the Secretary of State to a requirement to report annually to Parliament.**

The LGA has called for there to be sufficient Parliamentary time to consider the Domestic Abuse Commissioner's annual report and any recommendations made. We would welcome the report being presented to Parliament and for there to be adequate time for both sides of the House to consider the report. It would also be helpful for a parliamentary select committee to examine the Domestic Abuse Commissioner's Annual Report as part of an annual inquiry.

- **Amendment 28, tabled by Liz Savile Roberts MP, aims to require representation for domestic abuse victims in Wales, ensuring that both the interests of domestic abuse victims in England and Wales are equally addressed.**

It will be important for domestic abuse victims in Wales to be represented at discussions regarding domestic abuse services for England and Wales, for example at the Domestic Abuse Commissioner's Advisory Board. Whilst there is different legislation which affects

domestic abuse services in England and Wales, recommendations and guidance made by the Domestic Abuse Commissioner will have a bearing on domestic abuse victims in Wales.

We understand from the Domestic Abuse Commissioner, Nicola Jacobs, that there is a strong working relationship with the Welsh National Adviser's Office and there are regular discussions with domestic abuse leads in Wales.

- **Amendment 51, tabled by Jess Phillips MP, makes an addition to Clause 32 on domestic abuse protection orders (DAPO).**

Where a requirement is imposed on a person to do something, the amendment calls for the DAPO to specify the person who is responsible for supervising compliance with the order and the requirement meet the standard published by the Home Secretary for domestic abuse behaviour interventions, if the requirement is to attend an intervention specifically designed to address the use of abusive behaviour.

It is important to note that Domestic Abuse Protection Orders that include positive requirements, such as the requirement to attend a perpetrator management programme or parenting classes, will only be effective if there is adequate funding for these community-based services. We would welcome any further investment into perpetrator interventions and have called for the Government to publish a National Domestic Abuse Perpetrator Strategy.

- **Amendment 47, tabled by Christine Jardine MP and Liz Saville Roberts MP, intends to place a duty on the Secretary of State to publish separate statutory guidance on teenage relationship abuse. The statutory guidance would cover not just victims of teenage domestic abuse but extend to those who perpetrate abuse within their own teenage relationships.**

We would welcome any further guidance which addresses the issue of teenage relationship abuse. This should also be accompanied with resources and provision of support for those experiencing abuse in their own teenage relationships, in order to intervene at any earlier point and prevent domestic abuse from escalating and occurring in the first place.

- **New Clause 16, tabled by Victoria Atkins MP and Alex Chalk MP, intends to make two key changes to Part 7 of the Housing Act 1996 in relation to homelessness in England. First, it amends section 189 to give homeless victims of domestic abuse priority need for accommodation. Second, it amends Part 7 to change references to "domestic violence" to references to "domestic abuse" within the meaning of clause 1 of the Bill.**

Housing security is critical for the health and wellbeing of families and everyone deserves a safe, secure and affordable place to call home.

The provision of accommodation for domestic abuse victims is vital and councils want to help all victims of domestic abuse to have access to accommodation.

We should also be focusing on taking an early intervention approach that stops cases reaching crisis point and as far as possible enable people to remain in their own homes, disrupting the life of the perpetrator rather than the victim.

We also need to recognise the fundamental challenges for councils in guaranteeing housing supply, given the number of different vulnerable groups they are being asked to prioritise (domestic abuse; victims of modern slavery; ex-service men and women; ex-offenders) and general challenges with housing supply. There will be new burdens associated with placing an automatic priority need for domestic abuse victims to have access to accommodation, given the pressures that are already on local authorities to provide accommodation to many vulnerable groups.

Prior to the COVID-19 pandemic, we know there was a £100 million funding gap in homelessness services already and a lack of social and affordable housing.

Addressing these issues requires systemic changes to the housing system, including enabling councils to build more homes.

- **New Clause 12, tabled by Liz Saville Roberts, intends to require that any person convicted of any offence that amounts to domestic abuse as defined in clause 1 must have their details recorded on a domestic abuse register to ensure that all the perpetrator's subsequent partners have full access to information regarding their domestic abuse offences.**

The Domestic Violence Disclosure Scheme (DVDS, also known as 'Clare's Law') 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.

The scheme has two elements: the 'Right to Ask' and the 'Right to Know'. Under the scheme an individual or relevant third party (for example, a family member) can ask the police to check whether a current or ex-partner has a violent or abusive past. This is the 'Right to Ask'. If records show that an individual may be at risk of domestic abuse from a partner or ex-partner, the police will consider disclosing the information.

The 'Right to Know' enables the police to make a disclosure on their own initiative if they receive information about the violent or abusive behaviour of a person that may impact on the safety of that person's current or ex-partner. This could be information arising from a criminal investigation, through statutory or third sector agency involvement, or from another source of police intelligence.

We understand the Government intends to put the guidance on which the DVDS is based into statute. This will place a duty on the police to have regard to the guidance and will strengthen the visibility and consistent operation of the scheme.

The police already maintain a number of databases which will hold details of domestic abuse perpetrators, for example the Police National Computer, Police National Database and the ViSOR Dangerous Persons Database.

We understand there are plans to improve how these existing systems are used to record and share information about domestic abuse perpetrators and improve how agencies identify, risk assess and manage perpetrators, for example through better use of the DVDS and multi-agency public protection arrangements. We would support these changes being made to the current DVDS system and an evaluation of whether these changes have been effective, before considering the introduction of a domestic abuse register.

If these changes fail to be made and it was felt by the police, domestic abuse organisations and domestic abuse victims that a new domestic abuse register would provide greater protection and prevent future abuse from occurring, then this should be taken forward. However, there would have to be a rigorous quality assurance process for the register and adequate resources to ensure the register has the latest data and information inputted.

This would need to be accompanied by guidance and resources for domestic abuse victims on how to access support services and put together a personal safety plan if they are in an abusive relationship. It is important the introduction of a domestic abuse register does not contribute to the false security of a domestic abuse victim or put a victim's safety at risk in any way.

There should also be clear guidance on how the information in the domestic abuse register could be used and what the expectations of employers and other services would be.

- **New Clause 13 seeks to amend Part 7 Housing Act 1996, concerning local housing authorities' duties to homeless applicants, for England. It updates the definition of "domestic violence" to that of "domestic abuse" and removes the requirement that a person who is homeless as a result of domestic abuse must also be vulnerable in order to have a priority need.**

As highlighted in our response to New Clause 16, we agree that housing security is critical for the health and wellbeing of families and everyone deserves a safe, secure and affordable place to call home.

The provision of accommodation for domestic abuse victims is vital and councils want to help all victims of domestic abuse to have access to accommodation.

It is important to state, we should also be focusing on taking an early intervention approach that stops cases reaching crisis point and as far as possible enable people to remain in their own homes, disrupting the life of the perpetrator rather than the victim.

We also need to recognise the fundamental challenges for councils in guaranteeing housing supply, given the number of different vulnerable groups they are being asked to prioritise (domestic abuse; victims of modern slavery; ex-service men and women; ex-offenders) and general challenges with housing supply. There will be new burdens associated with placing an automatic priority need for domestic abuse victims to have access to accommodation, given the pressures that are already on local authorities to provide accommodation to many vulnerable groups.

Any estimates of new burdens on local government for increases in homelessness applications from domestic violence victims will need to be updated to account for the definition being broadened from 'domestic violence' to 'domestic abuse'.

- **New Clause 17, tabled by Christine Jardine MP and Tim Farron MP, seeks to allow victims of domestic abuse to access a local welfare assistance scheme in any locality across England.**

The new clause intends to make provision for every local authority in England to deliver a Local Welfare Provision scheme which provides financial assistance to victims of domestic abuse. We are concerned these individual clauses which seek to place duties on local authorities to deliver particular aspects of domestic abuse support are not co-ordinated and do not take a whole-systems approach to tackling domestic abuse. Local authorities need the flexibility and adequate resources to tackle domestic abuse, rather than an overly prescriptive duty.

We have long-called for greater investment in early intervention and prevention initiatives to tackle domestic abuse, and sustained investment in wider community-based support. This would include local welfare assistance for domestic abuse victims. Any welfare assistance scheme for domestic abuse victims should be considered with all relevant partners, including Police and Crime Commissioners (who have a statutory responsibility to commission local services to support victims and survivors of crime), domestic abuse organisations and charities, and domestic abuse victims. We would welcome the Domestic Abuse Commissioner looking at this issue in further detail.

- **New Clause 19 and New Clause 20, tabled by Jess Phillips MP, seek to establish a clear statutory duty on public authorities in England and Wales to commission specialist support and services for all persons affected by domestic abuse, together with a duty on the Secretary of State to ensure sufficient protection and funding for the implementation of this duty.**

We welcome any steps taken towards ensuring there is sufficient funding for all relevant agencies to commission specialist support and services for those affected by domestic abuse.

Currently, there is a variety of different funding streams for domestic abuse specialist services, often these are one-off, short term grants that do not allow for long-term planning or consistency in service. In order to transform the response to domestic abuse, there needs to be a broad range of support packages available to supporting victims of domestic abuse and intervene with perpetrators to change and prevent their behaviour.

We are concerned that the proposed statutory duty on local authorities to deliver domestic abuse accommodation support and services is solely focused on the crisis response, and there has been little in the Bill that focuses on wider community-based support.

We are also concerned that there is a divergence between where funding for domestic abuse services tends to be routed (for example to PCCs) compared to the fact that only councils will be subject to a statutory duty. There are many organisations that have a role to play.

For example, the majority of the Government's COVID-19 funding pots were only made available to frontline services (outside councils) or Police and Crime Commissioners (PCCs). Local authorities have received £3.2bn COVID-19 funding, but councils are reporting they could need as much as £6 billion more to cover the costs of coping with the coronavirus pandemic during this financial year. It is unclear whether there will be any funding remaining for supporting domestic abuse services.

We are supportive of this Clause's focus on ensuring domestic abuse is prevented and that all perpetrators of domestic abuse are able to access quality assured perpetrator programmes. There should be a whole-systems approach to tackling domestic abuse, which doesn't just focus on criminal justice issues or crisis response, but includes partners in housing, health and education.

The New Clause highlights that in addition to local authorities, relevant authorities should also include Ministers of the Crown and any government department in the charge of a Minister; NHS Trusts in England and Wales; Police and Crime Commissioners; Prison, Police and Probation Service.

Effectively tackling domestic abuse will require comprehensive approaches that all partners are funded to implement. But there must also be flexibility to ensure services can be tailored to the needs of different areas.

There also needs to be a cross-Government approach, with all departments taking account of how to tackle domestic abuse rather than taking a siloed approach. There should be a clear Ministerial lead for tackling domestic abuse, rather than individual departments making different funding announcements and publishing separate guidance.

- **We support New Clause 26, tabled by Jess Phillips MP, which seeks to ensure that all interventions designed to address abusive behaviour, that are imposed by DAPO's, are of a quality assured standard, as made clear under published statutory standards.**
- **We support New Clause 27, tabled by Jess Phillips MP, which seeks within one year of the passing of this Act, the Government should lay before Parliament a comprehensive perpetrator strategy for domestic abuse to improve the identification and assessment of perpetrators, increase the number of rehabilitation programmes, and increase specialist work to tackle abusive attitudes and behaviour.**

The LGA has long supported the campaign which calls on the Government to publish a National Domestic Abuse Perpetrator Strategy, in order to improve identification of

perpetrators and increase the number of rehabilitation programmes and perpetrator intervention available. This also needs to be accompanied by requisite funding in order to fully invest in specialist work to tackle abusive attitudes and behaviour.

- **We support New Clause 47, tabled by Jess Phillips MP, which would ensure that both Domestic Abuse Protection Orders (DAPOS) and Domestic Abuse Protection Notices (DAPNS) are reviewed to ensure that they are operating effectively and serving the purpose that they were intended for.**