

# **LGA's response to the Government's consultation on the future delivery of support to victims and their children in accommodation-based domestic abuse services in England**

July 2019



## **About the Local Government Association (LGA)**

1. The Local Government Association (LGA) is the national voice of local government. We work with councils to support, promote and improve local government.
2. We are a politically-led, cross party organisation which works on behalf of councils to ensure local government has a strong, credible voice with national government. We aim to influence and set the political agenda on the issues that matter to councils so they are able to deliver local solutions to national problems.

## **Summary**

3. Councils recognise they have an important role to play in tackling domestic abuse, alongside partners in health, education, housing, the police and wider services. The Government's announcement that funding will be provided to place vital accommodation-based domestic abuse services on a long-term, sustainable footing is therefore a positive step. However we are concerned the proposals may impact on the delivery of a holistic approach to domestic abuse, and therefore on the broader support to victims and work to reduce incidents of this crime in the future.
4. Safe accommodation and support clearly plays a critical and necessary role in how we respond to domestic abuse, but 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.
5. 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.
6. Tackling domestic abuse requires a holistic approach encompassing education, early intervention and prevention, and work with perpetrators, as well as support for victims who are forced to leave their homes. Focusing effort and resources

# **Briefing**

solely towards the crisis-end of domestic abuse services will not prevent domestic abuse in the long-term.

7. It is vital that there is a coordinated and comprehensive approach taken across the whole of Government and through the Domestic Abuse Bill, with a key focus on prevention and early intervention, rather than a piecemeal approach focusing on specific aspects of the response to domestic abuse.
8. It must be clear how the approach outlined in the consultation links up to related policies and reforms including on the criminal side, the new Violence Reduction Units and amended community safety partnership responsibilities around serious violent crime; and on the housing side, homelessness reforms. Mandating a multitude of new, potentially overlapping structures at the same time could create confusion and impact on delivery. There will also need to be local flexibility about how these new models are established.
9. Finally, it must be clear how support for victims of domestic abuse will be funded. With local government facing an £8 billion funding gap by 2025, a new legal duty will only be successful if it is fully funded. Additionally, the wider housing system and huge pressure on housing provision need to be considered, in terms of the challenge for authorities in providing safe accommodation. Giving local authorities 100% of receipts from right to buy to enable them to build more homes, and closing the gap between Local Housing Allowance rates and housing costs in the private rented sector, are measures that could help to reduce housing pressure and enable move on from accommodation-based services.

## **Detailed Response**

10. We have set out below some general points applicable to the overall consultation, as well as responses to the specific questions raised by the consultation.

### **General points**

#### *Response to perpetrators*

11. Whilst safe accommodation and support is vital for domestic abuse victims, the priority should always be to help a victim remain in their own home, if it is safe to do so. Uprooting a family, especially if there are children involved, could be seen as a double injustice for the victim when they have already suffered abuse in the home.
12. To effectively achieve significant reductions in instances of domestic abuse we need to be able to offer victims and survivors a range of support packages, but we also need consider our response to perpetrators. As part of a joined up response to domestic abuse, we should be considering the options that are available to remove the perpetrator from the home and ensure they receive the right interventions to change their behaviour.

#### *Housing and homeless issues*

13. The consultation and proposed new duty must take into account the policy landscape and broader issues with housing supply. MHCLG has recently consulted on the creation of statutory Homelessness Reduction Boards; given the likely overlap of these boards with Local Partnership Boards, in terms of victims of domestic abuse who become homeless, it would be helpful to have clarity on how the two will link up.
14. New duties arising from this consultation will also need to reflect fundamental pressures in the housing system, including the lack of affordable housing and temporary accommodation in a number of areas. These issues are fundamental to being able to provide accommodation-based services, and the Government must look at how it can support councils to increase housing supply, for example through enabling them to retain 100% of right to buy receipts to invest in new homes. Government must also bring local housing allowance rates back up to cover at least the lowest 30 per cent of market rents, to improve housing affordability and enable successful move-on from accommodation-based services,
15. We note that the consultation makes the assumption that housing costs will in many cases be met through welfare benefits and that MHCLG will therefore only be funding the associated support services for victims and their children. In terms of commissioning services, the housing and support elements of these services are not separated out in this way. The feedback to the new burdens and costs questionnaire must inform the funding arrangements for this new model since without adequate funding, local authorities will be unable to provide effective support to domestic abuse victims and their children.

## Questions

**Q1) Do you agree with our definition of ‘accommodation-based services’ for victims and their children?**

**Q2) Are there any other services, other than those listed, that you would define as an accommodation-based service?**

16. The definition of accommodation based services appears comprehensive, and it is right that provision for domestic abuse victims extends beyond refuges. This is one type of accommodation model that may be suitable in some circumstances, but will not be appropriate for everyone. Local authorities must have the flexibility to determine what type of provision is needed in their area.
17. We recognise the need to ensure there are safe accommodation services and support which meet people’s needs, regardless of which area a domestic abuse victim lives in. However, we believe that there must be at least an equal focus on the early intervention and preventative services that ideally stop abuse taking place at all, or at least stop abusive situations from escalating to a crisis point.
18. We set out below examples of domestic abuse initiatives which have proved to be effective in tackling abuse and ensuring support is provided to victims but

which are distinct to the proposed duty, and which we are concerned could be deprioritised as a result of the new duty. To avoid creating a piecemeal approach, we believe that the full range of responses to preventing and tackling domestic abuse should be considered collectively, rather than in isolation.

19. The Identification and Referral to Improve Safety (IRIS) programme used by GPs is an excellent example of this. In pilot areas, there have been increased referrals of women to a domestic violence agencies providing advocacy support and increased recordings of disclosure of domestic violence in the patient's medical record.

20. Operation Encompass ensures a school receives a report before the start of the next school day when a child or young person has been involved or exposed to a domestic abuse incident the previous evening. This should be in place in every area, and implemented consistently.

21. We need more Independent Domestic Violence Advisers (IDVAs) in all acute hospital settings, particularly Accident and Emergency and maternity departments. A hospital-based IDVA can provide immediate support and advice to victims of domestic violence within the hospital. Domestic abuse costs the NHS £1.73 billion a year, it is imperative that health providers are part of the long-term solution to tackle domestic abuse.

22. Accommodation-based domestic abuse services cannot be considered in isolation from wider community-based support available to domestic abuse victims. It would be ineffective for Local Partnership Boards to create a local domestic abuse strategy without making provision for wider community-based support, and we urge Government to ensure that any new duty is based upon the need for a holistic approach to tackling domestic abuse

**Q3) Do you agree with our definition of 'support'?**

**Q4) Do you define an accommodation-based service not listed here as support?**

23. As with the definition of accommodation-based services, this list appears comprehensive. However, also as set out above, by focusing on just one element of support, the consultation misses the opportunity to take a system wide approach to tackling domestic abuse.

24. We also believe that local authorities must have the flexibility to determine what type of support provision is needed in their area.

**Q5) Do you agree with our approach of introducing a statutory duty underpinned by statutory guidance?**

**Q6) Do you agree with placing the statutory duty on Tier 1 Authorities (County Councils, Metropolitan Councils, Unitary Authorities and the Greater London Authority) as 'Lead Authorities'?**

**Q7) Do you agree that a duty to co-operate should be placed on Tier2 Authorities and London Boroughs?**

25. For any new statutory duty and underpinning statutory guidance to be effective, it must be fully funded: however, previous experience suggests that this is often not the case. We are concerned that the new duty will generate expectations that councils may struggle to deliver if they are not appropriately resourced to do so, and note the potential challenges in accurately assessing the likely demand for this support.
26. There needs to be long-term, sustainable funding dedicated to transforming the response to domestic abuse, rather than one off grants or annual settlements. Without the necessary funding, provision for domestic abuse services will vary between local areas, despite the intention of the National Statement of Expectations and MHCLG's Priorities for Domestic Abuse Services.
27. Alongside this funding concern, we are concerned that the proposed new duty is narrowly focused on just a single part of the response to domestic violence. This may force councils and their partners to narrowly focus on accommodation based services at the expense of a more holistic approach to domestic abuse services and could potentially hamper innovative approaches to domestic abuse service design.
28. We also note that the duty applies only to local authorities, yet councils cannot tackle this crime on their own. This requires a range of public services, including the police to work together. The Government needs to consider how other agencies and bodies will be required to contribute towards tackling domestic abuse locally, so the responsibility does not just fall on councils. For example, how the health service will contribute towards tackling domestic abuse, and how the local domestic abuse policy will become embedded in day-to-day services.

**Questions 8 – 15) Local Partnership Boards**

29. Local Partnership Boards (LPB) are central to the proposed duty, therefore membership and leadership of LPBs will be critical success factors if the new duty is introduced.
30. If established, we believe it is essential that local housing officers are included in the LPB arrangements. General housing supply is a key issue in terms of accommodation-based services. Government must consider how housing demand and supply plays into this agenda, and local housing officers will need to be involved in local assessments and strategy development.
31. The consultation encourages Tier 1 local authorities to make use of existing governance structures when forming a Local Partnership Board, for example Community Safety Partnerships (CSPs), Health and Wellbeing Boards, Safeguarding Board or existing Domestic Abuse Boards. We believe that local areas should have the flexibility to determine the most appropriate vehicle for the LPB, if the requirement to establish one is introduced.

32. However, we would note the challenges that councils have experienced in funding CSP linked work, and in delivering and commissioning services themselves, as a result of local government funding cuts and previous funding streams being re-routed to PCCs. Funding that is available is often inconsistent, or secured on a precarious grant funding basis.

33. At a time when the Government is looking to amend the responsibilities of CSPs with regards to tackling serious violent crime, it will be imperative that CSPs are fully funded and supported. We would also welcome clarity on how the changes proposed on domestic abuse accommodation arrangements will fit with the proposed changes to CSPs in relation to serious violent crime.

**Q16) What would be the practical implications of meeting the proposed requirements of the statutory duty?**

**Q17) What would be the financial implications of meeting the proposed requirements of the statutory duty?**

34. Councils have reported that there may be practical challenges in undertaking an effective local needs assessment in the absence of a national overview of unmet demand. A related challenge is that often domestic abuse victims are from out of area, which is very difficult to map and plan for.

35. We are concerned that these factors will mean it proves difficult to accurately estimate the financial implications of the new duty. Government should commit to reviewing the new burdens assessment following the introduction of the new model, to ensure that sufficient funding to support the duty has been provided to councils.

36. The new burdens assessment for the cost of support must consult commissioners as well as providers, to ensure it develops a comprehensive picture across all models of support rather than any given model of provision.

37. We note the consultation's comments about the need to ensure that domestic abuse strategies are not developed in isolation of other work linked to transforming outcomes for victims, such as violence against women and girls, modern slavery, community safety, safeguarding and troubled families.

38. The LGA believes that both national and local government should take a holistic approach to safeguarding victims of crime whose needs are very similar, for example people who have experienced domestic abuse, county lines and modern slavery. In many places, this is already happening on the ground. However, we are concerned that by developing a specific duty linked to just one individual crime silo, this consultation risks making it harder to take a broader and holistic approach.

**Q18) Do you think that Government should develop a standardised needs assessment form for local areas to use in assessing need for domestic abuse support services?**

**Q19) How often should needs assessment be conducted?**

39. The consultation outlines that domestic abuse strategies produced by Local Partnership Boards will need to be informed by a robust assessment of need for support in accommodation-based services. Whilst local authorities may be able to assess the number of domestic abuse victims presenting at current services, there is inadequate data available on the level of unmet need meaning there will be practical challenges in undertaking an effective local needs assessment.
40. We also know that domestic abuse victims may need to move to a different local area, in a location that is away from the perpetrator. It is difficult for local authorities to plan or map for victims from out of area, so some consideration should be given as to how the level of need can be mapped on a national scale, rather than just locally.
41. Without this information, it will be difficult for local authorities to reliably estimate the cost of new burdens.

**Q20) Do you agree with Local Partnership Boards making commissioning decisions in partnership with Tier 2 Authorities?**

42. We think that it is very important that tier two authorities are involved in making commissioning decisions. As the consultation notes, in a number of areas, commissioning decisions are currently taken by tier two authorities.

**Q21) Do you agree that standardised reporting would promote accountability and transparency?**

**Q22) Do you agree with the reporting themes suggested?**

43. If the Government intends to introduce a reporting mechanism, then a standardised reporting framework will be appropriate. However, it is important that any reporting framework is proportionate, and does not create unnecessary burdens as part of the new duty.
44. While the reporting themes are appropriate to the new duty being proposed, we note again that they highlight the fact that this consultation focuses on a single, specific aspect of the response to domestic abuse, rather than the broader work needed to try to eradicate domestic abuse in the long term.

**Q23) Do you agree with the role and remit of the National Steering Group?**

**Q24) Do you agree with the proposed representation on National Steering Group?**

45. If a National Steering Group is to be created, this should complement, rather than duplicate the existing domestic abuse National Oversight Group. We would caution whether a national group will be effectively able to assess whether all tier one local areas are meeting local needs without significant resource to scrutinise this and understand any local issues or variations.

**Q25) Do you agree with the overall approach of the statutory guidance?**

**Q26) What else would you like to have set out within the Guidance?**

**Q27) What support would you find most useful to meet the requirements of**

## **the statutory duty and guidance?**

46. If a new duty is introduced, this should be supported with the timely production of statutory guidance which is subject to a consultation with key stakeholders. We have seen examples in other areas (such as modern slavery) of guidance being delayed for several years then produced at speed with very limited opportunity for stakeholders to comment. MHCLG must ensure the development of any statutory guidance for a new duty on accommodation based services is more effectively managed.
47. It must also ensure that the guidance avoids being prescriptive about local services and allows for local flexibility.

**Q28) Do you think that the proposed policy will help local areas ensure the needs of all victims and their children can be met?**

**Q29) What more could the Government do to ensure the needs of victims and their children with protected characteristics are supported?**

48. It is right that the consultation acknowledges the importance of dedicated support to victims with protected characteristics and/or complex needs, for example BAME, LGBT, disabled victims and their children. Whilst there is recognition that women are disproportionately victims of domestic abuse, there must be provision available for all victims.