

# Domestic abuse support within safe accommodation: Statutory guidance and regulations consultation

27 July 2021

## Q1. Are you answering the consultation as?

- a. An individual with personal interest
- b. An individual as a member of an organisation
- c. An Upper Tier Local Authority
- d. A Lower Tier Local Authority
- e. Other – please specify**

Comments:

**Answer:** The Local Government Association:

## About the Local Government Association (LGA)

The Local Government Association (LGA) is the national voice of local government. We work with councils to support, promote and improve local government. 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.

## 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 Midland
- f. South West
- g. Yorkshire and the Humber
- h. East Midlands
- i. North East
- j. National**

## Statutory guidance

14. The statutory guidance supports the new duties on relevant local authorities with the aim of ensuring all victims of domestic abuse have access to the right support within relevant safe accommodation.

15. The statutory guidance will accompany the Domestic Abuse Act and gives further details on the new provisions for all tier 1 and 2 local authorities in fulfilling their functions under Part 4.

## Q3. Are you happy with the level of clarity and detail within the statutory guidance?

- a. Yes
- b. No
- c. Comments**

We welcome the opportunity to feedback on the Government's draft statutory guidance on the delivery of support to victims of domestic abuse, including children, in domestic abuse safe accommodation services.

It is positive the Government has worked closely with local authorities and the wider domestic abuse sector to reflect some of the queries and concerns in this latest iteration of the statutory guidance. In particular, we are pleased to see the timeline for publishing domestic abuse strategies has been postponed until October 2021, to allow a more realistic timeframe for formal consultation.

There are some key areas that would benefit from further clarity/detail, including:

### **Community-based support services**

During the initial consultation on the new statutory duty for domestic abuse accommodation support and services, and throughout the passage of the Domestic Abuse Act, the LGA has highlighted the importance of investing in wider community-based support services and early intervention and prevention programmes and considering the full range of support services holistically. It remains our view that domestic abuse community-based support services are a vital part of the support package for domestic abuse victims and continued investment in these services will help to achieve the ultimate ambition of preventing domestic abuse from occurring in the first place.

We have outlined concerns that the proposed legal duty could come at the expense of other domestic abuse initiatives or create a perverse incentive to enter accommodation-based services if that was the main route to accessing support, and that focusing effort and resources solely towards the crisis-end of domestic abuse services will not prevent domestic abuse in the long-term.

As part of their domestic abuse strategies, local authorities must keep under review any effect of the strategy on the provision of other local authority support in its area. The draft statutory guidance states: "B3.X Tier one authorities must keep under review any effect of their strategy on the provision of other local authority domestic abuse support in its area".

The statutory guidance should provide further clarity on how local authorities will be expected to review the effect of the domestic abuse strategy on the provision of community-based domestic abuse support. There are different ways in which this could be tracked, and the Government should seek to provide guidance that enables a consistent and proportionate approach that can be slotted into councils' existing commissioning work without creating additional burdens.

### **Homelessness guidance**

From 5 July 2021, local authorities no longer need to consider vulnerability for victims of domestic abuse when assessing what homelessness duties they are owed. Removing this requirement will mean that all victims of domestic abuse will be found in priority need, increasing the number of households in priority need, particularly domestic abuse victims with no dependent children. This will mean that a greater number of domestic abuse victims will be owed an accommodation duty from the local authority.

The statutory guidance suggests that local authorities should also consider guidance for the Homelessness Act 2002. It would be helpful if the Government could provide

some further clarity about whether these two pieces of guidance work cohesively, and how the change to priority need, may affect the level of need more broadly for domestic abuse accommodation- based support and services. Some consideration needs to be given to the wider support available to domestic abuse victims presenting as homeless, which is why we are calling for investment in community-based domestic abuse support services in addition to the new burdens funding.

It is often very difficult, even for those in desperate need, to secure a council or social rent home. This is because these homes are in very short supply. Some councils are building new council homes and the government provides a grant for each new home that is built. However, this grant generally does not cover any more than a third of the build costs of a new home.

There will be many competing priorities for councils in the years ahead and tackling homelessness must be one that takes centre stage. Councillors have a vital role to play in this. Whether by supporting front line staff who deal with homeless people everyday, linking up with voluntary organisations who can share knowledge of what is happening locally or making the case for investment that helps both those in need and ease future demand, councillors are able to provide genuine local leadership.

As we emerge from the pandemic waiting lists are set to potentially nearly double and the LGA is asking for councils to be given powers to kickstart a post-pandemic building boom of 100,000 new social homes for rent each year to help tackle the issue.

### **Domestic abuse strategies**

The proposed regulations for the publication of the domestic abuse strategies, highlight that “a relevant local authority must, when preparing a section 57 strategy, have regard to their local authority functions in respect of matters including—

- (a) violence against women and girls;
- (b) modern slavery;
- (c) community safety;
- (d) victims of crime;
- (e) housing and homelessness reduction;
- (f) safeguarding;
- (g) supporting families.

It would be helpful for the statutory guidance to clarify how the domestic abuse strategy is expected to ‘have regard’ for these wider matters, and whether this will affect the reporting requirements placed upon councils.

The proposed regulations also suggest a relevant local authority must review its section 57 strategy within the period of three years beginning with the date of its first publication, and within each subsequent three-year period thereafter. Given the Police, Crime, Sentencing and Courts Bill is expected to introduce a new serious violence duty, which will require partnership arrangements to “prepare and implement a strategy for exercising their functions to prevent and reduce serious violence in the area”, we would recommend some consideration is given to the timelines for both these strategies and how the process for publishing these strategies can work cohesively. Local authorities should have the flexibility to identify when their domestic abuse strategies need to be reviewed, and align this with their wider work on Violence Against Women and Girls and broader community safety issues.

## Sanctuary schemes

A number of local authorities have requested that the new burdens funding can also go towards target-hardening measures, in order to meet the quality standards of an effective sanctuary scheme. We would welcome MHCLG considering whether target-hardening measures could be included within scope of the funding.

## Funding

As part of the requirement for local authorities to report on how the new burdens funding has been used, local authorities will be expected to provide a clear breakdown of how allocated funding has been spent against the delivery approaches set out in local strategies and demonstrates value for money. It is important to highlight that future years' funding will need to fully account for any increases in demand for services, and any additional burdens identified by local needs assessments and outlined in the local authorities' annual report.

The Ministry of Housing, Communities and Local Government have confirmed that future years' funding for 2021/22 and 2022/23 are dependent upon the forthcoming Spending Review. It is important to state that any new statutory duties require comprehensive and long-term funding, and short-term one-year funding rounds prevent local authorities and their partners from planning strategically.

As we approach the next financial year, local authorities will face severe challenges about whether to continue to commission contracts, without the reassurance of future funding levels. We therefore urge the Government to provide clarity on future funding levels as soon as possible, and for MHCLG to provide a reassurance of a minimum level of funding per local authority area to allow for some consistency of service and planning.

## Violence Against Women and Girls

The forthcoming Government Strategy on VAWG (2021-2024), as well as wider work on victim's law, perpetrator interventions and the Government's Domestic Abuse Strategy, should complement one another and work cohesively with existing legislation and guidance to help tackle VAWG issues. Prevention and early intervention should be the cornerstone of this approach. This guidance should align with these forthcoming strategies and guidance, and be amended where necessary.

**Q4. Are there any areas within the statutory guidance that need further clarification?**

- a. Yes
- b. No

**Q5. If yes, please specify which areas and what you would like to see clarified?**  
Comments:

As above

**Q6. Are there any areas within the statutory guidance that you think it would be helpful to have more detail?**

- a. Yes
- b. No
- c. Comments

**Q7. If yes, please specify where it would be helpful to have more detail.**

Comments

As outlined in response to Question 3

**Q8. Are there any areas missing from the statutory guidance that you think would be helpful to include?**

a. Yes

b. No

c. Comments

As outlined in response to Question 3

**Q9. If yes, please specify which areas are missing that you think it would be helpful to include in the guidance comments**

**Q10. (for local authorities) Do you agree that June is a reasonably practical time after the end of each financial year for the submission of annual reports to MHCLG?**

a. Yes

b. No

**Comments:**

The wording in the Act states: "As soon as reasonably practicable after the end of each financial year, a relevant local authority in England must submit to the Secretary of State an annual report in relation to the exercise of the authority's functions under this Part during the year".

It is difficult at this stage to identify when it will be a reasonably practical time to submit annual reports, as local authorities are in the early stages of preparing for the duty. We would recommend the Ministry of Housing, Communities and Local Government continues to liaise with local authorities as they implement the new statutory duty, to identify a timeframe that can be reasonably be met by all local authorities.

In the case of the August 2021 deadline (for the publication of domestic abuse strategies) being postponed until October 2021, the Ministry of Housing, Communities and Local Government listened to concerns expressed by local authorities and amended the timeline to reflect this. For the June 2021 deadline, we will need to ensure the submission of annual reports to MHCLG provides a realistic timeframe for local authorities to work towards.

With regards to future annual report submissions, beyond the first financial year, MHCLG will need to take into consideration whether the statutory duty has been amended or changed at all. For example, the Draft Victims' Bill will be considering the provision for community-based domestic abuse support services, and the annual report may need to reflect this wider level of provision – which in turn, could affect the timeline.

The Government is also expected to publish a Domestic Abuse Strategy and a Violence Against Women and Girls Strategy, which may have an impact on when local authorities are expected to submit their annual reports. As the regulations highlight, local authorities should be preparing domestic abuse strategies that join up with other local authority functions such as Violence Against Women and Girls, so it will be important to take this into account.

**Q11. If not, please specify what would be a reasonably practical time for the submission of annual reports to MHCLG.**

**Comments:** As above

**Annex A: Recommended terms of reference for Local Domestic Abuse Partnership Boards**

Tier 1 authorities must appoint a Local Partnership Board (Board) consisting of key local partners with an interest in tackling domestic abuse and supporting victims, including their children. To support local authorities in setting up these Board we have provided recommended terms of reference.

**Q12. Do you agree with the recommended terms of reference for Local Domestic Abuse Partnership Boards?**

- a. Yes
- b. No

**Q13. Is there anything missing that you would like to see included?**

**Comments:** No comment – local authorities will respond to this directly.

Annex B: MHCLG quality standards

**Q14. Do you agree with the updated MHCLG quality standards?**

- a. Yes
- b. No

**Q15. Is there anything missing that you would wish to see included?**

**Comments:** No comment – local authorities will respond to this directly.

Regulations

The Domestic Abuse Support (Relevant Accommodation) Regulations 2021.

The regulations provide a description of 'relevant accommodation'. This description is intended to be broad based and recognise the wide diversity of safe accommodation that domestic abuse victims and their children may live in or choose to live in, including:

Refuge accommodation

Specialist safe accommodation

Dispersed accommodation

Sanctuary schemes

move-on or second stage accommodation

The description covers accommodation provided by a local housing authority, a private registered provider of social housing or a registered charity whose objects include the provision of support to victims of domestic abuse, or accommodation which is part of a local authority sanctuary scheme.

**Q16. Do you agree with the description of refuge accommodation as defined in the regulations?**

- a. Yes
- b. No

c. Comments

**No comment – local authorities will be best placed to respond to this question directly.**

**Q17. Do you agree with the description of specialist safe accommodation as defined in the regulations?**

- a. Yes
- b. No
- c. Comments

**No comment – local authorities will be best placed to respond to this question directly.**

**Q18. Do you agree with the description of dispersed accommodation as defined in the regulations?**

- a. Yes
- b. No
- c. Comments

**No comment – local authorities will be best placed to respond to this question directly.**

**Q19. Do you agree with the description of sanctuary schemes as defined in the regulations?**

- a. Yes
- b. No
- c. Comments

**Answer:** A number of local authorities have requested that the new burdens funding can also go towards target-hardening measures, in order to meet the quality standards of an effective sanctuary scheme. We would welcome MHCLG considering whether target-hardening measures could be included within scope of the funding.

**Q20. Do you agree with the description of move-on or second stage accommodation as defined in the regulations?**

- a. Yes
- b. No
- c. Comments

**No comment – local authorities will be best placed to respond to this question directly.**

**Q21. Is there anything missing that you would wish to see included in the regulation?**

Comments

As part of their domestic abuse strategies, local authorities must keep under review any effect of the strategy on the provision of other local authority support in its area. The draft statutory guidance states: “B3.X Tier one authorities must keep under review any effect of their strategy on the provision of other local authority domestic abuse support in its area”.

The statutory guidance should provide further clarity on how local authorities will be expected to review the effect of the domestic abuse strategy on the provision of community-based domestic abuse support. There are different ways in which this could be tracked, and the Government should seek to provide guidance that enables a consistent and proportionate approach that can be slotted into councils’ existing commissioning work without creating additional burdens.

The proposed regulations for the publication of the domestic abuse strategies, highlight that “a relevant local authority must, when preparing a section 57 strategy, have regard to their local authority functions in respect of matters including—

- (a) violence against women and girls;
- (b) modern slavery;
- (c) community safety;
- (d) victims of crime;
- (e) housing and homelessness reduction;
- (f) safeguarding;
- (g) supporting families.

It would be helpful for the statutory guidance to clarify how the domestic abuse strategy is expected to ‘have regard’ for these wider matters, and whether this will affect the reporting requirements placed upon councils.

### **Domestic Abuse (Local Authority Strategies) Regulations 2021**

These regulations make provision about the preparation and publication of strategies under section 57 of the Act. The regulations make provision about the matters to which a relevant local authority must have regard to in preparing a strategy for example links/join up with other local authority functions such as Violence Against Women and Girls, how the strategy must be published, the date by which the first strategy should be published, the frequency with which a relevant local authority must review its strategy and the effect of their strategy on other local authority domestic abuse support.

#### **Q22. Do you agree with the frequency of the publication of strategies?**

- a. Yes
- b. No

#### **c. Comments**

The proposed regulations suggest a relevant local authority must review its section 57 strategy within the period of three years beginning with the date of its first publication, and within each subsequent three-year period thereafter.

Given the Police, Crime, Sentencing and Courts Bill is expected to introduce a new serious violence duty, which will require partnership arrangements to “prepare and implement a strategy for exercising their functions to prevent and reduce serious violence in the area”, we would recommend some consideration is given to the timelines for both these strategies and how the process for publishing these strategies can work cohesively.

Local authorities should have the flexibility to identify when their domestic abuse strategies need to be reviewed, and align this with their wider work on Violence Against Women and Girls and broader community safety issues.

#### **Q23. Do you agree that the first strategy should be published by 31 October?**

- a. Yes
- b. No
- c. Comments

It is positive the Government has listened to the concerns from local authorities regarding the initial publication date (August 2021) and has revised the timeline for strategies to be published by 31 October 2021.

However, for some local authorities – they will have a set 12-week consultation period before being able to publish their domestic abuse strategy, which may result in a delay to their publication date. As many local authorities are currently undertaking their needs assessments and awaiting the outcome of these assessments to inform their strategies, this may result in the consultation period starting from a later date. It may therefore not be possible for some local authorities to meet the 31 October 2021 deadline for publication of strategies, and we would welcome additional flexibility to allow local authorities to implement the statutory duty effectively.

**Q24. If not, please specify when it should be published**

Comments

**Q25. Is there anything missing that you would wish to see included in the regulation?**

Comments – No comment

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