

**CABINET**  
**5 OCTOBER 2021**

---

**IMPLEMENTATION OF THE DOMESTIC ABUSE ACT 2021**

---

**Responsible Cabinet Member**  
**Councillor Jonathan Dulston, Stronger Communities Portfolio**

**Responsible Director**  
**James Stroyan, Group Director of People**

---

**SUMMARY REPORT**

**Purpose of the Report**

1. The purpose of this report is update members about the Domestic Abuse Act 2021 and the work that is in progress to ensure that we are ready to discharge our new responsibilities and for delegations to be agreed to enable decisions to be made within required timescales.

**Summary**

2. The Domestic Abuse Act 2021 received Royal Assent and was enacted on 29 April 2021. The Act provides a statutory definition of domestic abuse and sets out a range of initiatives to further improve the approach to supporting victims of domestic abuse. The Act introduces a range of new duties for local authorities including addressing areas such as safe accommodation provision and support for victims and prioritisation of domestic abuse victims within homelessness applications. A key element of the requirements for Local Authorities outlined within the Act is to develop a Domestic Abuse Strategy, which is informed by the completion of a needs assessment, to effectively discharge the statutory requirements of the Act.
3. The Government provided the Council with a “New Burdens” grant of £222,365 to support the implementation of the Act’s new requirements. The Government has provided no further funding after 2021/22 and has indicated that any additional funding is subject to the outcome of the forthcoming Comprehensive Spending Review.
4. Under the Act Darlington Borough Council is deemed to be a “Tier One” Authority and will be required to develop and deliver the strategy and report back annually to the Government. The Act also sets out the requirement to publish statutory guidance. At time of writing, the Statutory Guidance was subject to consultation which formally closed on 14 September 2021. Once finalised, the guidance and associated regulations must be followed by the Council.

5. The Domestic Abuse Strategy is required to be published before 5 January 2022. We are also required to publish the draft Domestic Abuse Strategy for a period of 10 weeks and we must therefore do so by the 26 October 2021. The draft strategy is being worked on and will be ready by this date. We will be consulting on the draft strategy, more information about this is set out in paragraph 19. Due to the timescale the finalisation of the strategy will need to be made under delegated powers.

### **Recommendations**

6. It is recommended that Cabinet :-
  - (a) Note the new responsibilities of the Council arising from the Domestic Abuse Act 2021;
  - (b) Delegate to the Group Director of People, in consultation with the Cabinet Member for Stronger Communities the production and publication of the draft and final Domestic Abuse Strategy (2021-2024) and the associated Expenditure Plan and decisions taken thereunder.

### **Reasons**

7. The recommendations are supported by the following reasons :-
  - (a) To enable the Council to effectively develop the Darlington Domestic Abuse Strategy (2021-2024) and associated Expenditure Plan.
  - (b) To ensure that the key objectives of the Domestic Abuse Act 2021 are met, and victims of domestic abuse and their children are supported within the Borough of Darlington.
  - (c) To enable the Council to comply with statutory timescales and make decisions arising from the new duties in a timely way.

**James Stroyan,  
Group Director of People**

### **Background Papers**

- (i) Domestic Abuse Act 2021
- (ii) RRR Consultancy Paper 2021

S17 Crime and Disorder	The Domestic Abuse Strategy (2021- 2024) and associated expenditure plan will reference the new responsibilities placed on the Criminal Justice System and in particular changes to Family Court proceedings. This will ensure that the authority effectively discharges its responsibilities (in a multi -agency framework) regarding the prevention of crime and disorder within the Borough.
Health and Wellbeing	The Strategy will directly impact on the health and wellbeing of local communities within Darlington as the objectives of the Act are to ensure that robust services are in place to provide support for victims of domestic abuse and their children.
Carbon Impact and Climate Change	The final Domestic Abuse Strategy (2021-2024) will assess and address Carbon impact of service provision and seek to minimise impact on climate change.
Diversity	The Domestic Abuse Act 2021 and associated statutory guidance requires all local authorities and their partners to comply with the Public Sector Equality Duty (PSED) under S.149 of the Equality Act 2010. Victims and their children with relevant protected characteristics as per the Equality Act must be able to access the support that they need.
Wards Affected	The strategy will affect all wards.
Groups Affected	The strategy will affect all groups within the Community.
Budget and Policy Framework	This decision whilst does not represent a change to the budget set out in the MTFP, the new Domestic Abuse strategy does represent a change the policy framework.
Key Decision	The report does represent a key decision as the final Domestic Abuse Strategy (2021-24) and associated Expenditure Plan is likely to result in the Borough Council incurring significant expenditure on domestic abuse services and will also impact on local communities within the Borough of Darlington.
Urgent Decision	This report does not represent an Urgent Decision.
Council Plan	The Domestic Abuse Strategy (2021- 2024) will address the key priorities in the Council Plan with particular reference to supporting the most vulnerable in the Borough and working with partners through DASVEG.
Efficiency	The Expenditure Plan will ensure that the commissioning of any new services or extension of existing services demonstrate a value for money approach.
Impact on Looked After Children and Care Leavers	The Strategy and associated expenditure plan will positively impact on Looked After Children and Care Leavers through the introduction of prevention, early intervention and support services.

## MAIN REPORT

### Background information

8. The Domestic Abuse Act 2021 introduces a range of new duties and requirements for local authorities. In summary, the duties relate to safe accommodation strategic planning, safe accommodation provision and support for victims (by way of sanctuary schemes) and prioritisation of domestic abuse victims within homelessness applications. The Act for the first time provides a statutory definition of domestic abuse in order that it is clearly understood and actively challenged across all statutory agencies and the wider public. This definition has an emphasis of not just physical abuse but also emotional, coercive, controlling and economic abuse.
9. The provisions set out in the Act are wide ranging and address other areas. They also include those that relate to the Criminal Justice System such as placing the Domestic Violence Disclosure Scheme (“Clare’s Law”) on a statutory footing, stopping vexatious family proceedings (prohibits offenders from cross-examining their victims in person), strengthening measures to tackle perpetrators through the provision of Domestic Abuse Protection Notice and Domestic Abuse Protection Order. These measures will prevent perpetrators from contacting their victims along with the requirement to seek mental health support and change behaviours.

### Information and Analysis

10. The Government has reported that for the year ending March 2020, it is estimated that 2.3 million adults aged 16 to 74 years experienced domestic abuse in the last year (or 1.6 million women and 750,000 men). Further that nationally the cost of domestic abuse is estimated to be £66bn for victims for the year ending March 2017.
11. Darlington’s Domestic Abuse Strategy (2021- 24) will be based on a robust needs assessment to ensure that existing services provision and the development of new programmes are targeted appropriately and are compliant with the new Act’s requirements.

### Financial Implications

12. The Council has been allocated £222,365 “new burdens” funding to implement the requirements of the Domestic Abuse Act 2021 for the financial year 2021/22. This funding allocation is to support the delivery of the new duty to provide domestic abuse support in safe accommodation within the Borough of Darlington. This includes the cost of commissioned services and the associated cost of delivering the new functions under the duty. It is the Council’s understanding that the allocation is not ringfenced and that any unspent grant can be carried forward into the next financial year.
13. Further funding to implement the objectives set out in the Domestic Abuse Act 2021 will be dependent upon the outcome of the forthcoming Comprehensive Spending Review. In the event that no additional funding is allocated by the Government, this will present a pressure on the budget going forward as the Council will have a statutory duty to provide services. It is difficult at this stage to quantify the pressure. Decisions regarding how the

New Burdens Fund will be allocated will take into account future budgetary requirements and agree actions to be taken to mitigate any pressure from within existing budgets.

### **Legal Implications**

14. Part 4 (sections 57-60) of the Domestic Abuse Act 2021 introduces a new statutory duty on local authorities in England, placing a clear responsibility on local areas to provide support to victims of domestic abuse and their children in refuges and other safe accommodation including: specialist safe accommodation; dispersed accommodation; sanctuary schemes; and move-on or second stage accommodation.
15. Tier 1 authorities such as Darlington Borough Council will be required either to establish a Domestic Abuse Local Partnership Board or use existing collaborative arrangements. Darlington Borough Council and Durham County Council along with Durham Police and are members of the multi- agency Domestic Abuse and Sexual Violence Executive Group (DASVEG). DASVEG will act as the Local Partnership Board and support Darlington Borough Council in developing and monitoring Darlington's Domestic Abuse Strategy to effectively tackle domestic abuse based on a robust assessment of need.
16. The Act also sets out the requirement for the introduction of statutory guidance. This guidance was subject to consultation which closed on 14 September 2021 and at time of writing, final guidance is awaited. The guidance will be supported by the Domestic Abuse (Local Authority Strategies). Once finalised and published, the Domestic Abuse Guidance and associated regulations must be complied with in conjunction with the requirements of the Act.
17. Part 2 of the Domestic Abuse (Local Authority Strategies and Annual Reports) Regulations 2021 states that the relevant local authority must first publish a Domestic Abuse Strategy before 5 January 2022. It further states that the Council must publish a draft of the strategy at least 10 weeks before the date on which the Council intends to publish the strategy.

### **Procurement Advice**

18. Procurement have been consulted and are satisfied that direct awards will be an appropriate method of commissioning services in this instance. All appropriate actions will be undertaken to ensure compliant processes in line with the Public Contract Regulations 2015 and Darlington Borough Council's Contract Procedure Rules.

### **Consultation**

19. The draft Domestic Abuse Strategy (2021-24) will be the subject to consultation which will open on 26 October 2021 and close on 17 December 2021. The consultation process will include the portfolio lead and all relevant scrutiny committees. The strategy will also include the outcome of a robust and impartial consultation in support of co-production and understanding the experiences of victims and their children.

## **Equalities considerations**

20. Broad consultation was undertaken with the community to ensure the needs of all groups including those with protected characteristics were fully considered.