

Report to:	Overview and Scrutiny Committee (Adult Social Care and Health)	Date of Meeting:	Tuesday 6 September 2022
	Overview & Scrutiny Committee (Regeneration & Skills)		Wednesday 28 September 2022
	Overview & Scrutiny Committee (Children's Services & Safeguarding)		Tuesday 27 September 2022
Subject:	Domestic Abuse Update		
Report of:	Assistant Director of People (Communities)	Wards Affected:	(All Wards);
Portfolio:	Communities & Housing		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

The purpose of the report is to update Overview & Scrutiny Members on the Sefton's strategic approach to tackling domestic abuse, including an overview of the Domestic Abuse Act and work of the Sefton Domestic Abuse Partnership Board to date.

Recommendation(s):

(1) Members note the content of the report

Reasons for the Recommendation(s):

It is essential that elected members understand the work of the Domestic Abuse Board and how we are responded to the requirements of the Domestic Abuse Act locally. This will provide assurance as well as provide information to enable sufficient challenge.

Alternative Options Considered and Rejected: (including any Risk Implications)

There are no alternative options as Sefton's Domestic Abuse response and the work of the Domestic Abuse Partnership Board are a statutory requirement.

What will it cost and how will it be financed?

(A) Revenue Costs

The Council received £607,271 in New Burdens funding in 2022/23 to provide support to victims/survivors living in safe accommodation.

(B) Capital Costs

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):	
None at this time	
Legal Implications:	
The work of the board and commissioning of Domestic Abuse services is a statutory responsibility of the Council	
Equality Implications:	
The equality Implications have been identified and mitigated	
Climate Emergency Implications:	
The recommendations within this report will	
Have a positive impact	No
Have a neutral impact	Yes
Have a negative impact	No
The Author has undertaken the Climate Emergency training for report authors	Yes

Contribution to the Council's Core Purpose:

Protect the most vulnerable: Domestic Abuse survivors/victims and their children are some of the most vulnerable members of our communities. The work of the board will strive to ensure they have adequate support.
Facilitate confident and resilient communities: We want to create communities where Domestic Abuse is abhorrent and that residents have confidence in Domestic Abuse support services.
Commission, broker and provide core services: It is the responsibility of the Domestic Abuse Partnership Board to give effect to the Domestic Abuse Strategy by commissioning and decommissioning services for victims/survivors and their children.
Place – leadership and influencer: Not applicable
Drivers of change and reform: Not applicable
Facilitate sustainable economic prosperity: Not applicable

Greater income for social investment: Not applicable
Cleaner Greener; Not applicable

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.6913/22) and the Chief Legal and Democratic Officer (LD.5113/22) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

In producing the Domestic Abuse Strategic Needs Assessment the commissioners interviewed a wide range of victims/survivors to gain an insight into their experience of using Domestic Abuse services in Sefton.

Implementation Date for the Decision

Immediately following the Committee meeting.

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Appendices:

There are no appendices to this report

Background Papers:

There are no background papers available for inspection.

1. Introduction/Background

1.1 Domestic abuse does not fall under any one service, department or agency; it is a safeguarding responsibility that cuts across all areas of society and as such it is everyone's' business to help tackle. The strategic responsibility for tackling domestic abuse in Sefton Council sits with the Communities department and falls within the portfolio of the Cabinet Member for Housing and Communities. However, it is important the agenda of domestic abuse is also prioritised and acknowledged across other portfolio areas in recognition of the breadth of impact it has on our residents, communities and workplaces in relation to a wide range of our services.

2. Overview of the Act

2.1 The Domestic Abuse Act was signed into law on 29 April 2021. The Act is designed to raise awareness of domestic abuse and provide a range of further protections for victims of domestic abuse as well as strengthen measures to tackle perpetrators.

The act will:

- create a statutory definition of domestic abuse, emphasising that domestic abuse is not just physical violence, but can also be emotional, controlling or coercive, and economic abuse.
- establish in law the office of Domestic Abuse Commissioner and set out the Commissioner's functions and powers.
- provide for a new Domestic Abuse Protection Notice and Domestic Abuse Protection Order (*currently known as Domestic Violence Protection Notices (DVPNs) and Domestic Violence Protection Orders (DVPOs)*).
- place a duty on local authorities in England to provide accommodation based support to victims of domestic abuse and their children in refuges and other safe accommodation.
- prohibit perpetrators of abuse from cross-examining their victims in person in the civil and family courts in England and Wales.
- create a statutory presumption that victims of domestic abuse are eligible for special measures in the criminal, civil and family courts.
- clarify the circumstances in which a court may make a barring order under section 91(14) of the Children Act 1989 to prevent family proceedings that can further traumatise victims.
- extend the controlling or coercive behaviour offence to cover post-separation abuse.
- extend the offence of disclosing private sexual photographs and films with intent to cause distress (known as the "revenge porn" offence) to cover threats to disclose such material.
- create a new offence of non-fatal strangulation or suffocation of another person.
- clarify by restating in statute law the general proposition that a person may not consent to the infliction of serious harm and, by extension, is unable to consent to their own death.
- extend the extraterritorial jurisdiction of the criminal courts in England and Wales, Scotland and Northern Ireland to further violent and sexual offences.
- provide for a statutory domestic abuse perpetrator strategy.

- enable domestic abuse offenders to be subject to polygraph testing as a condition of their licence following their release from custody.
- place the guidance supporting the Domestic Violence Disclosure Scheme (“Clare’s law”) on a statutory footing.
- Provide that all eligible homeless victims of domestic abuse automatically have ‘priority need’ for homelessness assistance.
- ensure that where a local authority, for reasons connected with domestic abuse, grants a new secure tenancy to a social tenant who had or has a secure lifetime or assured tenancy (other than an assured shorthold tenancy) this must be a secure lifetime tenancy.
- prohibit GPs and other health professionals in general practice from charging a victim of domestic abuse for a letter to support an application for legal aid.
- provide for a statutory code of practice relating to the processing of domestic abuse data for immigration purposes.

2.2 There will be a statutory guidance framework to support the implementation of the act. The consultation on the draft version of this guidance closed on the 14 September 2021 and is currently being reviewed by the Home Office. The guidance will be issued under section 84 of the Domestic Abuse Act 2021 and has been formulated to set standards and promote best practice. The guidance is therefore aimed at statutory and non-statutory bodies working with victims, perpetrators and commissioning services, including the police, local authorities, and the NHS to increase awareness and inform their response to domestic abuse. It is also aimed at support organisations working with victims. Once the final guidance has been published, further information will be provided to the Board.

3. Local authority statutory duties within the Act

- 3.1 Part 4 of the Act places a statutory duty on local authorities in England to provide support to victims of domestic abuse and their children in refuges and other safe accommodation. The Government has provided a statutory framework which outlines how local authorities are expected to meet the needs of this duty. This includes:
1. Appoint a multi-agency Domestic Abuse Local Partnership Board which it will consult with as it performs certain specified functions.
 2. Assess the need for accommodation-based domestic abuse support in their area for all victims or their children, including those who come from outside the area.
 3. Develop and publish a strategy for the provision of such support to cover their locality, having regard to the needs assessment.

4. Give effect to the strategy (through commissioning / de-commissioning decisions).
5. Monitor and evaluate the effectiveness of the strategy.
6. Report back to central government.
7. Require tier two councils (district or borough councils, and London Boroughs) to co-operate with the lead local authority, so far as is reasonably practicable.
8. Require the Secretary of State to produce statutory guidance, having consulted the Domestic Abuse Commissioner, local authorities and such as other persons as considered appropriate.
9. Require local authorities to have regard to the statutory guidance in exercising their functions.
10. Domestic Abuse Partnership Boards will be expected to report the Domestic Abuse Commissioner on their progress and performance.

4. Sefton Domestic Abuse Partnership Board

- 4.1 Sefton Domestic Abuse Partnership Board was established in September 2021 and took over the responsibilities of the previous Sefton Domestic Abuse steering group. There is a legal requirement to have the following representatives included on the Board:
 - Local authority
 - Representative of victims of domestic abuse
 - Representative of children of victims of domestic abuse
 - Other VCF organisations working with domestic abuse victims
 - Health representative
 - Criminal justice representative.
- 4.2 However, to ensure a wider range of agency involvement and to continue the good partnership work started by the previous domestic abuse steering group, the membership of the Board includes a number of other representatives as outlined in the Board's Terms of Reference (see Appendix A).
- 4.3 The roles and responsibilities of the Board are also outlined in the Terms of Reference. Whilst there is a statutory requirement for the Board around meeting needs for safe accommodation, it has been agreed its functions will be wider than this and will provide the leadership for overseeing and coordinating domestic abuse related work across Sefton ensuring links with other local Boards are maintained. The Board is a strategic partnership and as such it is expected that agency membership and attendance is at a senior level. As the Board develops, consideration will be given to the development of sub/thematic groups that will be able to take forward Sefton's Domestic Abuse Strategy action plan at a more operational level.
- 4.4 One of the key requirements that the Board must fulfil is the undertaking of a domestic abuse needs assessment and the publishing of a Domestic Abuse

Strategy. Following an open procurement process last year, a team of consultants were commissioned to undertake Sefton's needs assessment and this work has been underway over the past 6 months. The needs assessment will be used over the coming months to review Sefton's Domestic Abuse Strategy and key priorities for action.

5. Links to other national/statutory guidance

5.1 Alongside guidance associated specifically with the Domestic Abuse Act, the Domestic Abuse Partnership Board are also cognisant of other relevant guidance and legislation and will ensure these are taken into account with the Domestic Abuse Strategy refresh and action planning. This includes (but is not limited to):

- Specific housing related Government guidance issued on improving access to social housing for victims of domestic abuse, Allocation of Accommodation guidance for local authorities Housing legislation changes and national consultation exercises relating to housing victims of domestic abuse
- The November 2021 Local Government and Social Care Ombudsman report on learning to improve council services for domestic abuse victims

6. Cross partnership collaboration

6.1 As outlined in the introduction, the impact of domestic abuse cuts across all agency services. To tackle it successfully we need to work in collaboration across departments, agencies and strategic Partnership Boards. To ensure this happens a range of activities will be needed alongside the work of Sefton Domestic Abuse Partnership Board. These include:

- Building on the links established between Sefton Domestic Abuse Partnership Board, Safer Sefton Together Partnership, Sefton Safeguarding Children's Partnership and Sefton Safeguarding Adults Board to ensure joint work is collaboratively supported and duplication is avoided. In particular, this will include sharing domestic abuse related learning from Domestic Homicide Reviews, Safeguarding Adults Reviews and Child Safeguarding Practice Reviews to improve services, practice delivery and training.
- Continued participation and contribution to Liverpool city region partnerships such as the Merseyside Strategic Domestic Violence & Abuse Group, the Merseyside Strategic Sexual Violence Group, Community Safety Leads meetings around suicide prevention, DHR learning, domestic abuse perpetrator work. Information and activities will be fed into the Sefton Domestic Abuse Partnership Board
- Updates to Cabinet Members and relevant Overview and Scrutiny meetings to report on progress.

Appendix A

Sefton Domestic Abuse Partnership Board Terms of Reference

Purpose

Following the enactment of the Domestic Abuse Bill on 30 April 2021, Local Authority areas have a duty to establish a Domestic Abuse Partnership Board.

Sefton Domestic Abuse Partnership Board is a partnership group responsible for supporting Sefton Metropolitan Borough Council in meeting its duty under Part 4 of the Domestic Abuse Act.

The Board will work together to support, advise, and work in partnership with Sefton Metropolitan Borough Council to ensure survivors of domestic abuse have access to adequate and appropriate support within safe accommodation services.

The Board will work together to improve outcomes for survivors of domestic abuse, including their children, through a strategic approach to identifying and addressing gaps in support within safe accommodation services.

Meeting Frequency

The Board will meet on a bi monthly basis in the first year. This will be reviewed to ensure appropriate frequency, but as a minimum the Board will meet on a quarterly basis.

Administrative support will be provided by the Communities department of Sefton Council.

Membership

The Board is made up of the following including those that by law must be represented.

Position	Organisation	Representing
Cabinet Member Housing and Communities	Sefton Council	Tier One Local Authority
Localities Service Manager	Sefton Council, Communities	Tier One Local Authority
Consultant in Public Health	Sefton Council, Public Health	Tier One Local Authority
Director of Adults Social Care	Sefton Council, Adult Social Care/Safeguarding	Tier One Local Authority
Service Manager	Sefton Council, Children's Social Care	Tier One Local Authority / voice of children
Service Manager	Sefton Council, Housing & Investment Services	Tier One Local Authority/ housing services
Chief Executive	Sefton Women's and	Survivors of domestic

	Children's Aid (SWACA)	abuse, adults and children
Operations and Partnerships Lead	Venus	Survivors of domestic abuse
Operations Manager	RASA	survivors of domestic abuse
Designated Safeguarding Manager	Southport and Formby and South Sefton Clinical Commissioning Groups	Health care services
Safeguarding Adults Specialist Nurse	Southport and Ormskirk Hospital NHS Trust	Health care services
Safeguarding	Liverpool University Hospitals NHS Foundation Trust	Health care services
Head of Safeguarding	MerseyCare	Health care services
Independent Living Manager	One Vision Housing	Housing services
D/Inspector Protecting Vulnerable People Unit	Merseyside Police	Criminal services
Head of Sefton PDU	Probation Service	Criminal services
Deputy Chief Executive	Sefton Council for Voluntary Service (CVS)	Voluntary and faith sector
Community Engagement	Office for the Police and Crime Commissioner Merseyside	
	Merseyside Fire and Rescue Service	

The Board is chaired by Cllr Trish Hardy, Cabinet Member for Communities and Housing.

The Vice Chair of the Board is Neil Frackelton, Chief Executive of Sefton Women's and Children's Aid (SWACA).

Members of the Board are responsible for ensuring they report back and feed into the Board on behalf of their represented group / body.

Roles and responsibilities

The Board will:

- provide strategic oversight of the issue of domestic abuse in Sefton by the commissioning, monitoring and evaluation of the Domestic Abuse Strategy for the borough.
- provide advice and data to support Sefton Metropolitan Borough Council to undertake a robust local needs assessment to identify and understand the needs of domestic

abuse survivors and their children within their area, including those that require highly specialist and cross-authority support.

- ensure the preparation and publication of the future Domestic Abuse Strategy setting out the steps required to meet the needs of all survivors and their children.
- hold agencies to account for the delivery of the actions within the Strategy by requesting regular updates on the agreed Action Plan within the Strategy.
- consider the commissioning and decommissioning decisions in relation to domestic abuse services funded and provided in the borough.
- support Sefton Metropolitan Borough Council to effectively engage with domestic abuse survivors and expert services in understanding the range and complexity of needs and to ensure their voice is clearly heard.
- ensure that learning actions and recommendations from Sefton Domestic Homicide Reviews are taken forward and provide oversight to implementing multi agency practice and system change.
- provide advice about the provision of other local authority domestic abuse support.
- provide support in ensuring join up across other related areas such as housing, health, early years and childhood support, social services and police and crime services.
- oversee the development and submission of an Annual Report outlining activity and progress made against the requirements in the Act. This will be shared with other local partnership Boards to ensure cross partnership working.
- receive regular reports on the compliance of organisations against the requirements of the Act and its statutory guidance.
- consider best practice, policy development and future opportunities for service improvement in this sector.
- escalate issues to the relevant representative / body.

Collaborative Working

The Partnership Board will engage with other Partnership Boards from neighbouring areas and across the City Region. The Board will also engage with the existing Strategic Domestic Violence Action Group (SDVAG) led by Merseyside Police. The Board will also receive regular updates on the effectiveness of the MARAC from the MARAC Steering Group.

In recognition that domestic abuse is a cross cutting theme that does not just sit within the responsibility of one area, the Board will develop and maintain close links with other multi agency forums such as:

- Safer Sefton Community Partnership

- Sefton Safeguarding Children's Partnership
- Local Safeguarding Adults Board

This will be done through the sharing of actions/learning/tasks by members sitting on both the Board and other partnership forums.

Absence

Where members are unable to attend a meeting, they are responsible for informing the Board ahead of the meeting and, as far as possible, should ensure a representative is present on behalf of the organisation / body.

Accountability

The Board will provide strategic oversight on the issue of Domestic Abuse in Sefton. The Board will be accountable for its actions to its individual member organisations. Members of the Board are responsible for ensuring they report back and feed into the Board on behalf of their represented group(s) / body(ies)

Board members will be accountable through their own organisations' decision-making processes for the decisions they take. It is expected that Members of the Board will have delegated authority from their organisations to take decisions within the terms of reference and constitution of the Board.

The Board will support Sefton Metropolitan Borough Council in reporting back to the Department for Levelling Up, Housing and Communities (DLUHC) on delivering the duty in line with statutory guidance and the standardised reporting form.

For clarity, in relation to Domestic Homicide Reviews, the notification, decision making and final reporting of completed reviews will remain with Sefton Safer Communities Partnership. The oversight for ensuring the recommendations and learning action plans are implemented and considered within future commissioning will be the responsibility of Sefton Domestic Abuse Partnership.

The Terms of Reference for the Board will be reviewed on an annual basis by officers in the Communities department of Sefton Metropolitan Borough Council.

Date Prepared: V1 July 2021, V2 November 2021
Date Agreed: 18 November 2021
Date to be Reviewed: November 2022