

COLCHESTER BOROUGH COUNCIL

RECORD OF DECISIONS TAKEN UNDER DELEGATED POWERS

Explanatory Note

The Leader of the Council has established Delegation Schemes by which certain decisions may be made by the relevant cabinet member or specific officers.

Cabinet member decisions are subject to review under the Call-in Procedure.

From the date the notice of the decision made is published there are five working days during which any five Councillors may sign a request for the decision to be reviewed (called in) and deliver it to the Proper Officer.

If, at the end of the period, no request has been made, the decision may be implemented. If a valid call- in request has been made, the matter will be referred to the Scrutiny Panel

Part A – To be completed by the appropriate Cabinet Member/Officer

Title of Report

Response to the Ministry of Housing, Communities and Local Government (MHCLG) 'Future Delivery of Support to Victims and their Children in Accommodation-Based Domestic Abuse Service' Consultation

Delegated Power

Portfolio Holder for Planning, Public Safety & Licensing to formally approve the CBC response to the 'Future Delivery of Support to Victims and their Children in Accommodation-Based Domestic Abuse Service' Consultation

Decision Taken

To formally approve the CBC response to the MHCLG 'Future Delivery of Support to Victims and their Children in Accommodation-Based Domestic Abuse Service' Consultation

Key Decision

No

Forward Plan

N/A

Reasons for the Decision

Local Authorities have been given the opportunity to respond to the consultation. Accommodation-based services are provided by a variety of organisations. It is therefore in CBC interest to take the opportunity to try to influence decisions made on local accountability for these services.

Alternative Options

Not to respond would mean that CBC would not take the opportunity to influence government decisions on improving local accountability for the delivery of accommodation-based domestic abuse services.

Conflict of Interest

N/A

Dispensation by Head of Paid Service

N/A

Dispensation by Monitoring Officer

N/A

Approved by Portfolio Holder for Communities, Wellbeing and Public Safety

Signature Councillor Mike Lilley

Date 02/08/19

(**NB** For Key Decisions the report must be made available to the public for five clear days prior to the period for call-in commencing)

Part B – To be completed by the Proper Officer (Democratic Services)

Portfolio Holder Decision Reference Number

Specify Number. WEL-001-19

Implementation Date

This decision can be implemented if no request for the decision to be reviewed (call-in) has been made **after 5pm on 9 August 2019**.

Call-in Procedure

The Decision Notice for this decision was published on the internet and placed in the Members' Room and the Customer Service Centre on **2 August 2019**.

A request for reference to the Scrutiny Panel must be made by **5pm on 9 August 2019**.

Signature of Proper Officer Zoe Gentry



Portfolio Holder for Planning, Public Safety & Licensing.

Item

Date of meeting

Report of

Assistant Director of Communities

Author

Sonia Carr

 282978

Title

Response to the Government (MHCLG) 'Future Delivery of Support to Victims and their Children in Accommodation-Based Domestic Abuse Services' Consultation

Wards affected

Not applicable

1. Executive Summary

- 1.1 The Ministry of Housing Communities and Local Government (MHCLG) published a consultation on 13th May 2019 seeking views on the Government's proposals for a new approach to delivering support to victims of domestic abuse and their children in accommodation-based services in England.
- 1.2 Views are being sought on the following areas:
 - Defining accommodation-based services and support
 - Leadership and responsibilities
 - Local and national accountability
 - Guidance
 - Supporting all victims of domestic abuse
- 1.3 Colchester Borough Council (CBC) welcome the opportunity to respond to the consultation and influence decisions made in this area.

2. Recommended Decision

- 2.1 To approve the CBC response to the Future Delivery of Support to Victims and their Children in Accommodation-Based Domestic Abuse Services consultation as shown at Appendix A.

3. Reason for Recommended Decision

- 3.1 Local Authorities have been given the opportunity to respond to the consultation. Colchester Borough Council has various duties under housing and homelessness legislation towards households experiencing domestic abuse. We contribute towards the funding of a Women's Refuge in Colchester. Previous commissioning decisions have had a negative impact on the provision of services in Colchester. It is therefore in CBC's interest to take the opportunity to try to influence decisions made on local accountability for these services.

4. Alternative Options

- 4.1 Not to respond. However, this would mean that CBC would not have the opportunity to influence government decisions on improving local accountability for the delivery of accommodation-based domestic abuse services.

Page break after Section 4.

5. Background Information

- 5.1 The MHCLG consultation paper 'Future Delivery of Support to Victims and their Children in Accommodation-Based Domestic Abuse Service' seeks views on the Government's proposals for a new approach to delivering support to victims of domestic abuse and their children in accommodation-based services in England. It seeks views on:
- Defining accommodation-based services and support
 - Leadership and responsibilities
 - Local and national accountability
 - Guidance
 - Supporting all victims of domestic abuse
- 5.2 The Government recognises the critical importance of safe accommodation and support for victims and their children as they rebuild their lives after the trauma of domestic abuse, and has worked with external independent researchers, Government analysts and stakeholders to extract data and review the need for, and provision of, domestic abuse services from a range of sources.
- 5.4 The review has reinforced the need for a statutory duty framing the delivery of support. Such a duty would safeguard provision of support, clarify governance and accountability, ensure needs assessments were undertaken, and enhance an understanding of service provision across England through monitoring and reporting.
- 5.5 Government research also highlights the value of close partnerships between local authorities and a variety of agencies; multi-agency working proves to be an effective way of responding to the needs of victims of domestic abuse and their children, based on a robust understanding of local need for support.
- 5.6 The focus of this consultation is to propose a new legal duty on local authorities to deliver support to survivors of domestic abuse and their children in accommodation-based services, supported by statutory guidance.
- 5.7 The full consultation document can be found by following the link below:
- <https://www.gov.uk/government/consultations/support-for-victims-of-domestic-abuse-in-safe-accommodation>
- 5.8 The CBC response to the consultation can be found below at Appendix A.

6. Equality, Diversity and Human Rights implications

- 6.1 The purpose of this report is to respond to the Government's consultation paper 'Future Delivery of Support to Victims and their Children in Accommodation-Based Domestic Abuse Service'. Any policy changes brought forward as a result of the outcome of the consultation would be subject to appropriate equality impact assessment.

7. Standard References

7.1 Strategic Plan References

This response has been written to reflect the Council's [Strategic Plan 2018-21](#): Wellbeing Theme – Target support to the most disadvantaged residents and communities.

7.2 Consultation and Publicity considerations

CBC's response to this consultation paper will be published on CBC website and will therefore be available to the public and stakeholders.

7.3 There are no particular references to financial; community safety; health and safety or risk management implications.

Appendices

Appendix A: CBC response to the MHCLG 'Future Delivery of Support to Victims and their Children in Accommodation-Based Domestic Abuse Service' consultation (Questions 1 – 29).

Appendix A

MHCLG - Future Delivery of Support to Victims and their Children in Accommodation-Based Domestic Abuse Service Consultation

Consultation questions:

Accommodation-based services

Q1. Do you agree with our definition of 'accommodation-based services' for victims and their children?

- a. Strongly Agree
- b. Agree**
- c. Neither Agree or Disagree
- d. Disagree
- e. Strongly Disagree

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

- a. Yes, this accommodation-based service is...
- b. No**
- c. Don't Know / No Opinion

Support

Q3. Do you agree with our definition of 'support'?

- a. Strongly Agree
- b. Agree***
- c. Neither Agree or Disagree
- d. Disagree
- e. Strongly Disagree

***Comments: We would want the Government to consider whether specialist support for victims with mental health and substance misuse issues should be specifically named so that these services can be commissioned? Women and children can wait for unacceptable lengths of time to access these services or be turned away from refuges because they have these complex needs which cannot be addressed in refuge/other accommodation.**

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

- a. Yes***
- b. No
- c. Don't Know / No Opinion

***Comments: This Support Service is drug/alcohol misuse/faith services/mental health**

Statutory Duty

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

- a. **Strongly Agree***
- b. Agree
- c. Neither Agree or Disagree
- d. Disagree
- e. Strongly Disagree

Comments: *Our experience is that in the absence of any statutory duty (or clarity over where responsibility and accountability sit) the commissioning of services which reflect local need and respond to the needs of victims and children and effectively join up with other services can be compromised. Concern that Tier 1 will only be required to “have regard” to the statutory duty rather than comply with it.

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’?

- a. Strongly Agree
- b. **Agree***
- c. Neither Agree or Disagree
- d. Disagree
- e. Strongly Disagree

Comments: *We agree that the statutory duty should be placed on Tier 1 authorities for the reasons given in the consultation document. We feel Tier 1 authorities are best placed to have an overview of a wider area and commission services accordingly. However, we would like to see some safeguards put in place:

i) Any funding from central government to meet the needs of victims of DA should be ring-fenced to ensure it is only used for that purpose. The ring fence should be robust and in perpetuity.

ii) Included in the duty should be a requirement to accept that, in order to respond robustly to the needs of victims of DA there needs to be a national network of accommodation-based services and that access to those services is not restricted in any way. We have seen, following re-commissioning by upper tier authorities, restrictions placed on providers of accommodation-based services as to the percentage of DA victims from out of area that can be accommodated and supported.

Q7. Do you agree that a duty to co-operate should be placed on Tier 2 Authorities and London Boroughs?

- a. **Strongly Agree***
- b. Agree
- c. Neither Agree or Disagree
- d. Disagree

e. Strongly Disagree

***Comments: Whilst we agree that duty to cooperate should be placed on Tier 2 authorities we are concerned that some of the expected tasks they would be required to undertake could be delegated to them by the upper tier without the necessary resource to complete them.**

Accountability

Q8. Do you agree with the proposed representation on Local Partnership Boards?

a. Strongly Agree

b. Agree*

c. Neither Agree or Disagree

d. Disagree

e. Strongly Disagree

***Comments: We agree with the proposed representation however we feel that there needs to be more clarity. There is reference made to tier 2 local authorities and housing associations.**

i) There is reference to restricting representation by tier 2 L.A.s because of the sheer number however there could be many more housing associations in an area. This could lead to greater representation by H. A's than L.A.s even though L.A.s have the strategic housing role and homelessness duties as well as potentially being stock holders.

ii) We would welcome the specific inclusion of the Strategic housing authority representation. A L.A. rep may not be best placed to represent strategic housing matters and may be a community safety lead. This will be particularly relevant where there may be one L.A. rep for many Tier 2 L.A.s in an area.

iii) We are aware in our own area that the strategic direction of travel of our Tier 2 led DA commissioning structure was to move away from accommodation-based services and this resulted in the Tier 1 geographical area losing refuge provision along with being unwilling to support any bids for funding that involved growing the accommodation-based provision. Having a strategic housing lead on the Board would help with accountability. Strategic Housing has not been represented in the past.

Q9. Do you believe your local authority has an existing governance structure in place which could meet the proposed role of the Board?

a. Yes

b. No*

c. Don't Know / No Opinion

***Comments: As Tier 2 LA we do not have the governance structures in place, as these have been established by our Tier 1 local authority.**

Q10. If you believe your local authority has an existing governance structure in place that could meet the proposed role of the Board...

- a. What is the structure of the Board?
- b. Who are the Board members?

Comments: See Q9 above

Q11. Do you agree with a duty to convene a Local Partnership Board?

- a. Strongly Agree
- b. Agree***
- c. Neither Agree or Disagree
- d. Disagree
- e. Strongly Disagree

***Comments: We would like to see assurances that there will be robust representation of Tier 2 local authorities on any partnership board. This is especially significant if duties and responsibilities are to be delegated down to Tier 2 local authorities. In addition, in the majority of two-tier areas, the needs and services differ vastly between areas and whilst this may be reflected by the needs analysis any response to meeting these needs requires full engagement of the tier 2 authority. Homelessness duties, which sit with the Tier 2 authorities, are often left out of these discussions by inadequate representation.**

Q12. Do you agree with the role and remit of Local Partnership Boards?

- a. Strongly Agree
- b. Agree**
- c. Neither Agree or Disagree
- d. Disagree
- e. Strongly Disagree

Q13. Do you agree with Local Partnership Boards assessing need for services?

- a. Strongly Agree
- b. Agree***
- c. Neither Agree or Disagree
- d. Disagree
- e. Strongly Disagree

***Comments: We fully support a standardised approach to needs assessment.**

Q14. Do you agree with Local Partnership Boards developing local strategies?

- a. Strongly Agree
- b. Agree***
- c. Neither Agree or Disagree
- d. Disagree
- e. Strongly Disagree

***Comments: As per Q11 comments**

Q15. Do you agree with Local Partnership Boards commissioning domestic abuse services in partnership with Tier 2 Authorities?

- a. Strongly Agree

- b. **Agree***
- c. Neither Agree or Disagree
- d. Disagree
- e. Strongly Disagree

***Comments: As per Q11 comments**

Q16. Local authority/ providers: What would be the practical implications of meeting the proposed requirements of the statutory duty?

Comments: As a Tier 2 authority we welcome the statutory duty and would realign our current work and representation to assist our Tier 1 authority

Q17. Local Authority: What would be the financial implications of meeting the proposed requirements of the statutory duty?

Comments: It is difficult for us to judge this at this time as we are not clear what might be delegated to us. We know for example that if commissioning was delegated to us then this would have financial and resource implications as we are not currently set up to commission DA services.

Needs Assessment

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?

- a. **Yes**
- b. No
- c. Don't Know / No Opinion

Q19. How often should the needs assessment be conducted?

- a. annually
- b. every 2 years
- c. **every 3 years***
- d. every 5 years
- e. other...

Comment: We would welcome the Government setting the parameter for this in the same way it does for Rough sleeping (i.e. a date by which the needs assessment had to be completed) this would enable a better picture to be developed nationally of need and enable neighbouring partnerships to share information consistently.

Reporting on Outcomes

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

- a. **Strongly Agree***
- b. Agree
- c. Neither Agree or Disagree

- d. Disagree
- e. Strongly Disagree

Comments: *Previous Commissioning decisions have not been made in co-operation with or shared with the Tier 2 LA's we therefore fully support this.

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

- a. Strongly Agree
- b. Agree**
- c. Neither Agree or Disagree
- d. Disagree
- e. Strongly Disagree

Comment

Q22. Do you agree with the reporting themes suggested?

- a. Strongly Agree
- b. Agree**
- c. Neither Agree or Disagree
- d. Disagree
- e. Strongly Disagree

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

- a. Strongly Agree
- b. Agree***
- c. Neither Agree or Disagree
- d. Disagree
- e. Strongly Disagree

Comments: *We welcome the establishment of a national steering group. However, we are not clear about the implications for those Tier 1 authorities that do not meet their statutory duty or do not involve Tier 2 authorities.

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

- a. Strongly Agree
- b. Agree
- c. Neither Agree or Disagree**
- d. Disagree
- e. Strongly Disagree

Guidance

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

- a. Strongly Agree
- b. Agree***
- c. Neither Agree or Disagree

- d. Disagree
- e. Strongly Disagree

***Comments: We welcome the identification of those with complex needs, those with no recourse to public funds, those with insecure immigration status and adolescent male children of victims of DA as these groups were often overlooked in service commissioning and strategy development.**

Q26. What else would you like to have set out within the Guidance?
N/A

Q27. What support would you find most useful to meet the requirements of the statutory duty and guidance?
N/A

Q28. Do you think that the proposed policy will help local areas ensure the needs of all victims and their children can be met?
a. Yes
b. No
c. **Don't Know / No Opinion**

Comments:

In the current climate of financial austerity and the resulting reduction in funding for statutory/public services, it is difficult to see how local areas will be able to ensure that the needs of all victims and their children will be met.

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

Comments: Person centred approach / sharing of relevant information made easier (within correct guidelines etc). Different approach to funding – currently based on Tier 1 commissioning for support but not accommodation along with competition based national funding which is short term. Funding needs to be put on a more consistent and longer-term footing.