

Open Report on behalf of Andrew Crookham, Executive Director of Resources

Report to:	Cllr Mrs P Bradwell, OBE, Executive Councillor for Children's Services, Community Safety and Procurement
Date:	Between 16 and 23 December 2021
Subject:	Adoption and Publication of the Domestic Abuse Strategy 2021-2024
Decision Reference:	I023050
Key decision?	Yes

Summary:

This report provides the Committee with an overview of the Domestic Abuse Strategy 2021-2024 and the County Council's statutory duties under the Domestic Abuse Act 2021.

Recommendation(s):

The Executive Councillor for Children's Services, Community Safety and Procurement approves the publication of the Domestic Abuse Strategy as attached at Appendix A.

Alternatives Considered:

1.	<p>Not to approve the strategy.</p> <p>Throughout the development of this Strategy the risks of not meeting the obligation to adopt a Domestic Abuse Strategy in Lincolnshire were well understood.</p> <p>To not adopt and publish a Domestic Abuse Strategy for Lincolnshire would be a failure to meet our statutory duty in line with the Domestic Abuse Support (Local Authority Strategies and Annual Reports) Regulations 2021.</p>
2	<p>Adopt a revised strategy.</p> <p>The strategy is based on a wide-ranging needs assessment and has been developed through an extensive process of engagement with partners and service providers. It has the support of partners and service providers and responds to the issues identified in the needs assessment.</p>

Reasons for Recommendation:

To meet the obligation of publishing the final Strategy by the 5th of January 2022.

1. Background

The Domestic Abuse Bill received royal assent on 29th April 2021 as the Domestic Abuse Act 2021 creating new statutory duties for tier one local authorities from the 1st April 2021. There are a number of changes the new Act will deliver:

- A legal definition of domestic abuse which recognises children as victims in their own right;
- A Domestic Abuse Commissioner to stand up for survivors and life-saving domestic abuse services;
- A legal duty on councils to fund support for survivors in ‘safe accommodation’
- New protections in the family and civil courts for survivors – including a ban on abusers from cross-examining their victims, and a guarantee that survivors can access special measures (including separate waiting rooms, entrances and exits and screens);
- New criminal offences – including post-separation coercive control, non-fatal strangulation, threats to disclose private sexual images;
- A ban on abusers using a defence of ‘rough sex’;
- A guarantee that all survivors will be in priority need for housing, and will keep a secure tenancy in social housing if they need to escape an abuser;
- A ban on GPs for charging for medical evidence of domestic abuse, including for legal aid;
- A duty on the government to issue a code of practice on how data is shared between the public services survivors report to (such as the police) and immigration enforcement.

All of these elements of the Act have a positive impact on the Domestic Abuse agenda and will have an impact of how services across partners are delivered, however the area that affects Lincolnshire County Council significantly is under part four of the Act.

Part 4 of the Domestic Abuse Act 2021 places a four-part statutory framework for the delivery of support to victims of domestic abuse and their children in safe accommodation and provides clarity over governance and accountability.

(1) Section 58 specifically places a duty on each tier one local authority in England to appoint a multi-agency Domestic Abuse Local Partnership Board which it will consult as it performs certain specified functions under section 57. These are to:

- assess the need for accommodation-based domestic abuse support for all victims in their area, including those who require cross-border support
- **develop and publish a strategy for the provision of such support to cover their locality, having regard to the need’s assessment**

- give effect to the strategy (through commissioning / de-commissioning decisions)
 - monitor and evaluate the effectiveness of the strategy
 - report back to central government
- (2) Require local authorities to have regard to statutory guidance in exercising their functions.
- (3) Require the Secretary of State to produce statutory guidance, having consulted the Domestic Abuse Commissioner, local authorities and such other persons as considered appropriate. (This has been produced by the Department of Levelling Up Housing and Communities (DLUHC))
- (4) Require tier two councils to co-operate with the lead local authority, so far as is reasonably practicable.

In Lincolnshire a full needs assessment has been undertaken including the whole of the Domestic Abuse Agenda and not just limited to Accommodation based services. This was a conscious decision to ensure that Lincolnshire was in a position to respond to the wider domestic abuse agenda, create consistency in service provision and support the interrelated nature of Domestic Abuse and the needs of service users. The needs assessment was undertaken by an independent consultancy and the Domestic Abuse partnership was fully consulted throughout that process. The subsequent Domestic Abuse Strategy has been developed and produced having regard to the Domestic Abuse needs assessment.

Before publishing a strategy under section 57 the Council must consult with the Partnership Board, any local authority within the area and such other persons as the Council considers appropriate.

The strategy attached at Appendix A has been the subject of wide consultation with all District Councils in Lincolnshire and other partner agencies and service providers in Lincolnshire. Feedback from all partners was received at various stages in the strategy development, of which all comments have been addressed and reflected within the strategy. A full audit trail of feedback has been documented and will in addition form part of the delivery and commissioning plans for Domestic Abuse. Survivor engagement has been undertaken through service providers and the intention as part of the strategy implementation is to develop a robust survivor engagement plan through the Domestic Abuse Partnership.

The Strategy has the general support of the partners within the Domestic Abuse Partnership and the providers consulted.

Regard has been had to the Guidance issued by DLUHC in producing the strategy.

The strategy summarises the national and local context in relation to Domestic Abuse, sets out the shared ambition and key priorities for the Lincolnshire Domestic Abuse

Partnership in tackling Domestic Abuse and outlines the key areas of action over the next 3 years, including the new statutory duties in relation to accommodation-based services. This is an inclusive strategy relevant to all victims of Domestic Abuse. Lincolnshire County Council has a statutory duty to publish the strategy by 5th January 2022.

Through the Domestic Abuse Act 2021 funding was allocated to all tier one and tier two local authorities in order to ensure local areas could respond to the new duties in relation to accommodation-based services. Lincolnshire County Council was allocated £1.4 million for 2021/22 and each District Council was also allocated slightly different amounts in the region of £32 thousand. A separate funding allocation will be received for 2022/23 and 2023/24 and then subsequently this will be included in the annual spending review. This funding will be allocated and used in line with the Domestic Abuse Act requirements and support the delivery of the Domestic Abuse Strategy in relation to accommodation-based services.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision-making process.

Equality Act obligations have been taken into account and there is considered to be a potential for the service to impact differentially on people with a protected characteristic given the degree to which attitudes to domestic abuse impacts particularly with race, religion, belief, sex, sexual orientation and disability. The actions will require the service to be sensitive to all victim groups.

Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS) in coming to a decision.

The JSNA and JHWS have been considered. The recommendations in this Report are designed to improve the Service's response and therefore keeping residents of Lincolnshire safe thereby contributing to their health and wellbeing.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

Working closely with Police and other criminal justice partners to ensure crime prevention work is carried out as described in Appendix A.

3. Conclusion

It is hoped that this report and the Domestic Abuse Strategy outlines to the Public Protection and Communities Scrutiny Committee the intention and direction that Lincolnshire will be taking in the next three years in relation to the Domestic Abuse agenda, and the pivotal role that Lincolnshire County Council has in delivering this work

and new statutory duties under the Domestic Abuse Act 2021. In developing and producing the strategy through the Domestic Abuse Partnership it is intended that this is a partnership strategy, and its delivery has a collaborate approach by which all partners in Lincolnshire are fully invested. The next steps in fulfilling the statutory duties and ensuring Lincolnshire has a robust response to the wider Domestic Abuse agenda will be to produce an operational delivery plan and subsequent commissioning plans for both outreach and accommodation-based services.

4. Legal Comments:

Approval of the Strategy will fulfil the Council's statutory duty under section 57 of the Domestic Abuse Act 2021 as referred to in the Report.

The decision is consistent with the Policy Framework and within the remit of the Executive Councillor.

5. Resource Comments:

There are no direct financial implications from this paper. Expenditure is funded either via Council budget or the Domestic Abuse grant.

6. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes, the Executive Councillor for Children's Services, Community Safety and Procurement has been consulted.

c) Scrutiny Comments

The decision will be considered by the Public Protection and Communities Committee on 14 December 2021 and their comments will be provided to the Executive Councillor for Children's Services, Community Safety and Procurement.

d) Risks and Impact Analysis

See main body of the report.

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Lincolnshire Domestic Abuse Strategy 2021-2024

8. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
The Domestic Abuse Support (Local Authority Strategies and Annual Reports) Regulations 2021	https://www.legislation.gov.uk/uksi/2021/990/made

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