

LEICESTERSHIRE SAFER COMMUNITIES STRATEGY BOARD

18th JUNE 2021

LSCSB UPDATE: DOMESTIC ABUSE ACT

Background

1. The Domestic Abuse Bill passed both Houses of Parliament and was signed into law on 29 April 2021. The Act is now law and will begin to be implemented across criminal justice systems and agencies later this year.
2. The Domestic Abuse Act is set to provide further protections to the millions of people who experience domestic abuse, as well as strengthen measures to tackle perpetrators.
3. Putting the definition and the accompanying guidance on a statutory footing, while also recognising the impact of domestic abuse on children will ensure that domestic abuse is properly understood and that in seeking to tackle this abhorrent crime and provide support services to survivors and their children, all public agencies and others are applying a common definition.

Notable developments and challenges:

The definition of DA

4. The Act creates a cross-government statutory definition of domestic abuse, to ensure that domestic abuse is properly understood, considered unacceptable and actively challenged across statutory agencies and in public attitudes; different types of relationships are captured, including ex-partners and family members.
5. Broad categories are listed which capture a range of different abusive behaviours, including physical, emotional abuse and economic abuse.
6. The Act also recognises that domestic abuse can impact on a child who sees or hears, or experiences the effects of the abuse and it treats such children as victims of domestic abuse in their own right where they are related to either the abuser or the abused, rather than as a witness.
7. New guidance on the definition will be issued which will also recognise that the majority of victims of abuse are female.

8. The Act will:

- Establish the independent office of Domestic Abuse Commissioner and set out the Commissioner's functions and powers to provide public leadership on domestic abuse issues and play a key role in overseeing and monitoring the provision of domestic abuse services.
- Provide for a new civil Domestic Abuse Protection Notice to provide immediate protection following a domestic abuse incident, and a Domestic Abuse Protection Order (DAPO) to provide flexible, longer-term protection for victims. A DAPN would be issued by the police and could, for example, require a perpetrator to leave the victim's home for up to 48 hours; breach of a DAPO will be a criminal offence, carrying a maximum penalty of up to five years' imprisonment, or a fine, or both. These will be tested in a small number of areas before national roll out.
- Prohibit perpetrators of abuse from cross-examining their victims in person in the civil and family courts in England and Wales.
- 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.
- Provide for a statutory domestic abuse perpetrator strategy. This will be published next year.
- 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. This enables the police to disclose information to a victim or potential victim of domestic abuse about their partner's or ex-partner's previous abusive or violent offending. Work is underway across LLR to look at how this will be implemented.
- Provide that all eligible homeless victims of domestic abuse automatically have 'priority need' for homelessness assistance.
- 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.

Key issues for partnership working or affecting partners

9. The Act also places a duty on tier one local authorities to provide accommodation based support to victims of domestic abuse and their children in refuges and other safe accommodation and provides clarity over governance and accountability, requiring tier two councils (district/borough councils), to co-operate with the lead local authority.

10. A multi-agency Domestic Abuse Local Partnership Board must be appointed; across LLR there is already a strategic DASV Operations Group which will fulfil this function. Membership will be extended to comply with the new duty.
11. A Strategic Needs Assessment must be undertaken to assess the need for accommodation-based domestic abuse support across Leicestershire for all victims. This work has commenced, data is currently being collated from numerous agencies and a call has been put out to victims and survivors of DA to make contact and tell us about their experiences. It is imperative that as data and information is requested, it is released swiftly. The national DA charity SafeLives will work with us to evaluate the findings in July.
12. The Needs Assessment will inform the development of a strategy for the provision of support to cover Leicestershire and inform commissioning / de-commissioning decisions.
13. Funding has been allocated by the Ministry of Housing and Communities and Local Government (MHCLG) to support all of this work; Leicestershire County Council has received £1,127, 205 whilst each district/Borough has received approx. £33, 000.

Issues in local areas

14. A County DA Act and Funding Group has been convened to support the response to the DA Act across Leicestershire, membership includes all districts/boroughs, Leicestershire County Council (Children and Family Service, Adult Social Care and Public Health) and Police for the “closed” part of the meeting and DA service providers join for the “open” session.
15. The Group has identified that therapeutic support for victims and survivors of DA, support for children and dispersed housing are all gaps in service that should be progressed whilst waiting for the Needs Assessment to be published. Funding for therapy and children’s support has been sought, unsuccessfully, for several years.
16. Furthermore, the Group has identified the need for DA Accommodation Support Officers at the district/borough to co-ordinate and support victims who need safe accommodation. The proposal is to have job descriptions with the same, minimum requirements across the County, with each locality adding other duties as required. Some districts/boroughs may pool funding depending on demand and resource requirement.

Recommendations for the Board

17. It is recommended that the Board:
 - (a) Note the contents of the report.
 - (b) Support the production of Needs Assessment as outlined in paragraph 3.3
 - (c) Agree the proposal outlined in paragraph 4.3 for a collaborative approach toward the district / borough DA funding.

Officer to contact

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