

REPORT TO: Safer Halton Policy and Performance Board
DATE: 15th June 2021
REPORTING OFFICER: Strategic Director, Enterprise, Community and Resources
POERFOLIO: Community Safety
SUBJECT: Domestic Abuse and Sexual Violence
WARDS: All

1. PURPOSE OF REPORT

1.1 To update the Safer Halton Policy and Performance Board in relation to the activities being supported across the Borough in response to domestic abuse and sexual violence.

2. RECOMMENDATION

That members of the Board:

i) Consider and comment on any aspect of this report.

3. SUPPORTING INFORMATION

3.1 Domestic Abuse Bill receives Royal Assent, enacted 29th April 2021

Domestic abuse victims and their children are to receive more support under a new Act.

Royal Assent has been given to a new Domestic Abuse Bill. This means councils across England now have a legal duty to provide what may be life-saving support such as therapy, advocacy and counselling in safe accommodation for victims of domestic abuse and their children.

Halton Borough Council has received a share of the £125 million national pot to fund the new duty, including commissioning additional vital support services for victims and improving links between existing local services.

The Act gives those who are homeless as a result of domestic abuse priority need for accommodation secured by the council, helping to ensure victims do not remain with their abuser for fear of not having a roof over their head.

Domestic abuse is everyone's business and what is needed now, more than ever, is to ensure anyone experiencing domestic abuse is aware of the support available.

The new Act is expected to formally come into effect this summer and will provide protection for victims, and strengthen measures to tackle perpetrators, including:

- A lifetime social tenancy if they need to flee their current home to escape abuse and they will be granted a new council tenancy – ensuring they have a safe and stable home to rebuild their lives.
- Introducing for the first time an all-purpose legal definition of domestic abuse, which includes emotional, coercive or controlling, and economic abuse as well as physical abuse.
- Establishing in law the office of Domestic Abuse Commissioner and setting out the Commissioner's functions and powers.
- Banning perpetrators of abuse from cross-examining their victims in person in the civil and family courts in England and Wales.

For more information visit gov.uk

If you are a victim of domestic abuse or know someone who is and would like to access help, support or advice please contact Halton Domestic Abuse provided by WHAG offering both emotional and practical integrated services to victims, children and young people affected by domestic abuse as well as those who harm, on 0300 111 247

What happens behind closed doors doesn't need to stay there...

To access free support tips and advice please use this link :
<https://www.openthedoorcheshire.org.uk/>

3.2 Domestic Abuse Accommodation Duty

Halton Borough Council have been identified as a Tier one local authority and has been awarded £326,878 in order to support our local delivery of safe accommodation for victims of domestic abuse.

As a Tier 1 Local Authority we are required to appoint a multi-agency Local Partnership Board (LPB) to support them in performing certain specified functions. Halton Domestic Abuse Forum will:

- **Assess the need** for accommodation-based support for all victims and their children, including those who require cross border support.
- **Prepare and publish strategies** for the provision of support to cover the locality and diverse groups of victims.
- **Give effect to strategies by making commissioning/de-commissioning decisions to meet the support needs of victims and their children.**
- **Monitor and evaluate local delivery of the strategy.**
- **Report back to Central Government; expected to include:**
 - Reporting on local delivery – setting out how the functions have been executed under the new duty (including reporting on strategy, as well as how partnership working has been approached working across key agencies and across neighbouring areas;

- Evidence that adequate needs assessments have been undertaken;
- Evidence that local strategies are in place and working effectively;
- Evidence that local commissioning decisions have been informed by needs assessments and that there is adequate suitable provision;
- An evaluation of the impact of decisions locally including service delivery outcomes;
- Evidence on spend and feedback on delivery, including challenges faced and best practice.

3.3 The Office of the Police and Crime Commissioner – Covid Funding

Halton Borough have received confirmation from the Office of the PCC that a bid for additional Independent Domestic Violence Advocates across Cheshire has been approved. HBC are awaiting final details but it essentially it means that we will fund two extra 2 IDVA posts here in Halton for a two year period to respond to the ongoing challenges of responding to need as a consequence of the pandemic.

4. POLICY IMPLICATIONS

4.1 There are no policy implications contained within this report.

5.0 IMPLICATIONS FOR THE COUNCILS PRIORITIES

The majority of the provisions in the Act will be brought into force by commencement regulations, once the necessary preparatory work has been completed, for example, the making of court rules or the issue of guidance.

It is expected that most of the provisions in the Act will come into force during 2021/22.

The new Domestic Abuse Protection Notice and Domestic Abuse Protection Order will be piloted before being implemented throughout England and Wales.

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.
- 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.

5.1 **A Healthy Halton**

To remove barriers that disable people and contribute to poor health by working across partnership to address the wider determinants of health such as unemployment, education and skills, housing, crime and environment.

Examples:

1. Preventable cause of death
2. Preventable cause of infant mortality
3. Preventable cause of mental health
4. Preventable cases presenting at A & E

5.2 **Employment, Learning and Skills in Halton**

Domestic abuse has a detrimental impact on employment. Among employed women who suffered domestic abuse in the last year 21% took

time off work and a further 2% lost their jobs (Walby and Allen 2004). The impact of Covid linked to unemployment, furlough programs and redundancies and extended periods being locked down in abusive relationships is yet to be understood.

To maximise an individuals potential to increase and manage their income, including access to appropriate, supportive advice services assisting victims to develop better financial management skills and to address debt through appropriate sign posting.

5.3 Children and Young People in Halton

Children and young people in Halton are emotionally, physically and sexually healthy and Children and young people will feel safe at home, in school and in their communities. For example, ensuring homes are healthy safe environments through offering support to parents and providing access for aftercare support for victims of sexual violence whether a child or young person.

5.4 A Safer Halton

To understand and tackle the problem of domestic abuse in all its forms. For example, through ensuring adult victims have access to protective and supportive measures reduces the level of domestic incidents and the subsequent impact on the environment with regards to crime and ASB.

6.0 RISK ANALYSIS

These are contained within the report.

7.0 FINANCIAL IMPLICATIONS

8.0 EQUALITY AND DIVERSITY ISSUES

Domestic Abuse Bill Policy Equality Statement Demonstrating Compliance with the Public Sector Equality Duty (PSED)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904500/ANNEX_B- Policy_Equality_Statement- Domestic_Abuse_Bill_July- FINAL.pdf

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

None under the meaning of the Act.