



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

8 July 2021

Report of the Managing Executive Director

**Urgent Decision Taken by the Managing Executive Director and
Approval For Delegated Authority Relating to Grant Expenditure**

Health and Communities

1. Divisions Affected

1.1 County-wide

2. Key Decision

2.1 This is a key decision because it is likely to result in the Council incurring savings which are significant having regard to the budget for the service or function concerned (this is currently defined as £500,000) and it is likely to be significant in terms of its effect on communities living or working in an area comprising two or more electoral areas in the County.

3. Purpose

3.1 To provide an update on the new statutory duties placed on the Council by the new Domestic Abuse Act 2021, to note the urgent decision taken by the Managing Executive Director to accept the new burdens grant 2021/22 associated with the Act from the Ministry of Housing and Local Government (MHCLG) and to seek approval to extend grant funding to existing services providing support to victims with complex needs from October 2021 to March 2022.

4. Information and Analysis

4.1 Domestic Abuse Act 2021

On 20 April 2021, the Domestic Abuse Act 2021 (the Act) received Royal Assent.

The Act places new statutory duties on local authorities. In two tier authorities, there are implications for both upper and lower tier authorities. However, as an upper tier authority, the Act requires the Council to:

- Provide accommodation-based support to victims of domestic abuse and their children in refuges and other safe accommodation, in accordance with statutory guidance
- Convene a Local Partnership Board (LPB)
- Undertake a needs assessment establishing any gaps in service provision, by June 2021
- Publish a strategy by August/September 2021
- Commission accommodation-based services based on the findings of the needs accommodation
- Monitor and evaluate the effectiveness of the strategy and any associated commissioning of services and report annually to central government.

The Act also provides for a number of other changes. In summary these are to:

- 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.
- Provide that a child who sees or hears, or experiences the effects of, domestic abuse and is related to the person being abused or the perpetrator is also to be regarded as a victim of domestic abuse in their own right.
- The introduction of a Domestic Abuse Commissioner to stand up for victims and survivors, raise public awareness, monitor the response of local authorities, the justice system and other statutory agencies and hold them to account in tackling domestic abuse.
- Provide for a new Domestic Abuse Protection Notice and Domestic Abuse Protection Order.
- 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.

- 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
- 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.

The Council will need to take account of these changes in the work undertaken with partners to address domestic abuse.

4.2 Implications for the Council

The Council currently commissions a range of services to support victims of domestic abuse and their families, in partnership with the Police and the Office of the Police and Crime Commissioner. These are split into three contracts:

- Derbyshire Domestic Abuse Helpline – a single point of contact for victims/survivors, their friends and family seeking support and advice and professionals referring victims/survivors and seeking advice and guidance
- Derbyshire Domestic Abuse Support Services – a partnership of locally based organisations that provide:

- Safe accommodation in both communal refuges and dispersed accommodation including support in that accommodation for victims and their families
 - Outreach support in the community victims and their families, including support in move-on accommodation
 - Therapeutic services for victim/survivors and their children.
 - Support for children and young people affected by domestic abuse
- Independent Domestic Violence Advisors (IDVA's) – support for high risk victims of domestic abuse to address immediate safety issues and mitigate and reduce risks. The IDVA service also provide support to victims going through criminal and family court proceedings.

All commissioned services are available to both male and female victims of domestic abuse.

There are also a number of other non-commissioned services within the county which provide significant additionality to the provision. However, these services are often time limited and reliant on grant funding.

In April 2021, the Council received notification of a new grant award from the Ministry of Housing, Communities and Local Government (MHCLG) totalling £1.47 million relating to the new burdens associated with the implementation of the Act. The timescales relating to the acceptance of this grant and the expectation that the grant be utilised in 2021/22, required that an urgent officer decision, by the Managing Executive Director be taken to secure the funding. This decision was taken in consultation with the Cabinet Member for Health and Communities. Any delays, at that time, may have impacted the Council's ability to deliver against the new statutory duty in the current financial year and may have impacted grant allocations in subsequent years.

Cabinet are asked to note the urgent decision taken by the Managing Executive Director, details of which are included in the urgent officer decision record attached at Appendix 2 for information to this report.

Since 2015/16 the Council has successfully secured grant funding from MHCLG of approximately £0.52m pa to enhance the commissioned services. This grant was utilised by a range of local providers to make specialist services more visible and accessible to those under-represented, and to provide more intensive support to clients with

complex needs in emergency accommodation. This competitive grant has been replaced by the new grant award outlined above.

Arrangements in place under the previous grant funding have been extended up until end September 2021. In order to ensure continuity of provision whilst longer-term commissioning decisions are taken following completion of the needs assessment, agreement is being sought to further extend these grants up to the end of March 2022. The cost of this additional extension would be £262k and would be met by the grant funding received by the Council for 2021/22.

In anticipation of the Act, the Council has been working with partners for a number of months to ensure a robust and timely response to the new requirements. Despite this, and the existing governance structures and services in place, the timescales outlined in the statutory guidance are challenging. Not least because the grant funding available to support this duty will need to be utilised in year. The focus to date has therefore been on undertaking the needs assessment as this is a critical document which will inform strategy development, commissioning decisions, governance structures and the development of partnership arrangements as follows:

- Needs Assessment - The needs assessment is well underway and is being undertaken jointly with Derby City, with multi-agency support. To supplement the data held by partners, the views of statutory agencies, the third sector, community and faith groups and the wider public is being sought. It is anticipated that the interim findings will be reported in July, but the assessment will not be finalised until late summer due to delays in the public consultation.

The local strategy is to be developed and published by September 2021 and this will be subject to a further report to Cabinet in due course.

- Partnership Arrangements - From a partnership perspective, the Domestic Abuse and Sexual Violence Governance Board (the Board), which is a sub-group of the Derbyshire Criminal Justice Board currently provides partnership oversight in relation to domestic abuse. The Board covers both the City and County and there is a strategy in place which also covers both areas. Whilst the existing partnership arrangements are strong and give a good foundation, the Act raises a number of considerations which will need to be worked through at a local level in order for the Board to meet the requirements of an LPB. These relate to where the

Board should report and representation of district and borough councils, specialist support providers and survivors.

Under the new arrangements the LPB and the strategy to remain joint across the City and County.

4.3 Next Steps

Following the completion of, and in response to the needs assessment, a programme of work which identifies potential future activity, will be established. The most appropriate delivery option/s will need to be assessed at this point but may include the requirement to commission additional services, to enter into grant agreements directly with service providers and/or to implement variations to existing contracts.

The programme of work will need to take account for the fact that whilst MHCLG has committed to provide funding in future years, this will be dependent on the spending review and how grant funding allocated to the Council in the current financial year has been utilised.

To avoid delays in delivering the new statutory duty in the current financial year, and negatively affect grant allocations in subsequent years, it is requested that decisions relating to expenditure of the grant be delegated to the Managing Executive Director in consultation with the Cabinet Member for Health and Communities.

5. Consultation

- 5.1 In order to conduct the needs assessment referred to above, data has been collected from appropriate agencies able to supply information regarding the impact of domestic abuse on their services. Surveying of professionals, faith and charitable agencies have already been carried out and surveying of the public for views on domestic abuse services is currently underway. Whilst this is not a statutory consultation exercise, the findings of this engagement exercise will inform the development of future strategy and the programme of work.

6. Alternative Options Considered

- 6.1 There are two alternative options which have been considered, these are outlined below;
- Taking no action in response to the introduction of the Act – By taking no action the Council would not be meeting the statutory duties placed on it by the Act.

- Not delegating authority to spend the grant against a programme of work – There is an expectation that the grant funding provided by MHCLG be spent in year and underspend could impact the level of grant funding provided to the Council in future years. Expedited decision making is required to ensure the programme of work developed in response to the need's assessment is implemented swiftly. Furthermore, any delays in the delivery of the programme of work will negatively impact the Councils ability to provide support to victims of domestic abuse and their families.

7. Implications

- 7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

8. Background Papers

- 8.1 Recommissioning of Domestic Abuse Services Cabinet Report – 18 April 2019

Provision of a Derbyshire Domestic Abuse Support Service Cabinet Report – 22 October 2019

Extension of Grant Funding – Domestic Abuse Report to Managing Executive Director - 1 February 2021

Acceptance of MHCLG Grant Officer Decision and Decision Review Report – 1 April 2021

9. Appendices

- 9.1 Appendix 1 - Implications

- 9.2 Appendix 2 - Acceptance of MHCLG Grant Officer Decision and Decision Review Report – 1 April 2021

10. Recommendation(s)

That Cabinet:

- a) Note the new statutory duties placed on the Council by the Domestic Abuse Act 2021 and the broader changes which have been outlined in the Act.
- b) Note the Urgent Officer Decision to accept the 2021/22 grant of £1.47m to support the implementation of the new statutory duty to provide

emergency accommodation for victims of domestic abuse and their families.

- c) Note the work that has been taking place within the Council on the development of a need's assessments and the establishment of new governance arrangements to support delivery.
- d) Receive a further report in October 2021, outlining progress on the development of a new local strategy
- e) Delegate decisions relating to the future commissioning and/or grant funding of services to the Managing Executive Director in consultation with the Cabinet Member for Health and Communities on completion of the needs assessment as outlined in the report.
- f) Approve the extension of grant funding to specialist providers from October 2021 – end March 2022 at a cost of £262,000 to be met by the MHCLG grant, as set out in the report.

11. Reasons for Recommendation(s)

- a) To ensure Cabinet have an understanding and awareness of the new statutory duties placed on the Council under the Domestic Abuse Act 2021.
- b) Under the financial regulations, it is a requirement that all urgent decisions of this nature, taken by officers are reported to Cabinet.
- c) To ensure Cabinet are sighted on the work undertaken to date in relation to the implementation of the Domestic Abuse Act 2021.
- d) To provide an update on the local response to the Domestic Abuse Act 2021 and to seek support for the domestic abuse strategy.
- e) To ensure that decisions are taken in a timely way to facilitate spend against grant funding from MHCLG in 2021-22.
- f) To ensure continuity of provision whilst the needs assessment is completed, and the programme of work developed.

12. Is it necessary to waive the call in period?

12.1 No

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Implications**Financial**

- 1.1 The Council has been awarded £1,471.203 for 2021/22, through a section 31 grant to meet the burden of the new statutory duty. This was accepted by means of an urgent officer decision by the Managing Executive Director on 8 April 2021. The Cabinet Member, Health and Communities was consulted, and was in agreement with the acceptance of this grant.

A breakdown of the proposed grant extensions detailed within the report is provided in the table below.

	£
The Elm Foundation	75,150
Crossroads Derbyshire	42,034
Salcare (ESCAPE)	14,896
NCHA (Derbyshire WISH)	95,817
Good News Family Care	33,851
Total Expenditure	261,748

Legal

- 2.1 The Council's Constitution provides that "notwithstanding any other provision of the Constitution Strategic Directors shall have the power, after discussion, if practicable, with the Leader of the Council or the relevant Cabinet Member or Chair, to take such actions deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the timescale involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee." The Director of Legal Services will provide appropriate advice in relation to procurement and award of contract/grant/s to ensure compliance with the County Council's Financial Regulations and relevant procurement regulations.

Human Resources

- 3.1 None identified

Information Technology

- 4.1 None identified

Equalities Impact

- 5.1 Domestic abuse is a complex crime that can affect anyone, leaving physical and emotional scars on victims for a lifetime and impacting on their families and society into the future. However, evidence suggests that it is an issue which disproportionately affects women and children and that there is an under-representation in services of male victims and LGBTQ+ victims. The grant funded services will enable the specialist providers to continue to provide enhanced support to those with complex needs and to continue development work to increase engagement from under-represented groups.

Supporting victims and their families to access specialist support services at the appropriate time enables them to make their own choices and live independently, reducing the impact on communities and the need for them to access wider services, for example social care and health services.

Corporate objectives and priorities for change

- 6.1 The work outlined in the report will contribute to the following key priorities for the Council
- resilient, healthy and safe communities
 - high performing, value for money and resident focused services
 - effective early help for individuals and communities
7. **Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)**
- 7.1 The work outlined in this work will support the safeguarding of victims of domestic abuse and their families and will support the reduction of crime and disorder, substance misuse and anti-social behaviour.

**DERBYSHIRE COUNTY COUNCIL
OFFICER DECISION AND DECISION REVIEW RECORD**

Officer: Emma Alexander <i>*For emergency powers, this would be the Executive Director</i>		Service: Community Safety
Delegated Power Being Exercised: Acceptance of MHCLG Grant <i>*The delegation detailed in the Constitution to the specified officer or emergency powers</i>		
Subject of Decision: (i.e. services affected)	New Statutory Duty - Provision of emergency accommodation for victims of domestic abuse and their families	
Is this a review of a decision? If so, what was the date of the original decision?	No	
Key decision? If so have Democratic Services been notified?	Yes Democratic Services will be informed with the view to this being added to the Forward Plan within 28 days of the next Cabinet meeting.	
Decision Taken (specify precise details, including the period over which the decision will be in place and when it will be (further) reviewed):	<p>To accept grant funding of £1.417m for 2021/22 to support the new statutory duty in relation to the provision of emergency accommodation for victims of domestic abuse and their families.</p> <p>The Domestic Abuse Bill is due for Royal Assent in April 2021.</p> <p>The Bill will put in place a statutory framework for the delivery of support to victims of domestic abuse and their children in safe accommodation and provide clarity over governance and accountability, this will include a duty on each tier one local authority in England (county and unitary councils) to appoint a multi-agency Domestic Abuse Local Partnership Board which it will consult as it performs certain specified functions. These are to:</p> <ul style="list-style-type: none"> • assess the need for accommodation-based domestic abuse support • develop and publish a strategy • give effect to the strategy • monitor and evaluate the effectiveness of the strategy • report back to central government <p>New burdens funding is being provided to</p>	

	<p>Local Authorities and will be paid via a Section 31 grant. On 3 March 2021 MHCLG announced the allocations and Derbyshire County Council was awarded £1,471,203 for 2021/22.</p> <p>Since 2015 DCC has secured grant funding from MHCLG of approx. £0.52m pa to provide the domestic abuse services to support victims with complex needs in emergency accommodation. The final grant award terminates at the end March 2021. On 1 February 2021 CCP DMT agreed to underwrite the extension of these grants up until September 2021 pending the funding announcement. It is proposed that the cost of this extension will now be met from the grant funding.</p> <p>Further details about the grant (including approval of decision and approval to commission and allocate resources will be subject to a report to the next meeting of Cabinet in May 2021.</p>
<p>Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy and anticipated impact of the decision) Where the decision is subject to statutory guidance please state how this has been taken into consideration.</p>	<p>MHCLG anticipate payment of the grant in April 2021 and have an expectation that it is spent or committed during this financial year. It is therefore essential that approval to accept the grant be sought as a matter of urgency as any delays will impact the ability to deliver against the new statutory duty in the current financial year and may impact grant allocations in subsequent years.</p>
<p>Alternative Options Considered (if appropriate) and reasons for rejection of other options</p>	<p>N/A</p>
<p>Has a risk assessment been conducted? - if so, what are the potential adverse impacts identified and how will these be mitigated?</p>	<p>No</p>
<p>Would the decision normally have been the subject of consultation with service users and the public? If so, explain why this is not practicable and the steps that have</p>	<p>No</p>

or will be taken to communicate the decision	
Has any adverse impact on groups with protected characteristics been identified and if so, how will these be mitigated?	There are no adverse impacts on groups with protected characteristics. Accepting the grant will enable the Authority to enhance provision of support to vulnerable victims of domestic abuse and their families.
Background/Reports/Information considered and attached (including Legal, HR, Financial, Equality and other considerations as required))	The grant will be paid to the Council as a Section 31 Grant.
Consultation with relevant Cabinet Member (s) – please note this is obligatory.	Consultation has been undertaken with Cllr Hart, Cabinet member Health and Communities, who is supportive of the acceptance of the grant.
Approval of Chair of appropriate Improvement and Scrutiny Committee where call in is intended to be waived – please note this is obligatory in those circumstances	N/A
Decision:	Approved by Emma Alexander, Managing Executive Director
Signature and Date:	