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**To: Coventry Health and Wellbeing Board**

**Date: 12<sup>th</sup> July 2021**

**From: Liz Gaulton, Director of Public Health and Wellbeing**

**Title: Domestic Abuse Act 2021**

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## **1 Purpose**

To inform the Health and Wellbeing Board of the statutory requirements of the Domestic Abuse Act 2021 including the requirement to establish a new statutory board to be known as the "Coventry Domestic Abuse Local Partnership Board".

## **2 Recommendations**

Health and Wellbeing Board is asked to note the requirements of the Domestic Abuse Act 2021, the creation of a Domestic Abuse Local Partnership Board and the planned next steps.

## **3 Background Information**

### **3.1 Domestic Abuse Act 2021**

The creation of the Domestic Abuse Act was first announced in 2017 and includes a wide range of provisions and responsibilities to protect victims and children. It received Royal Assent on 29<sup>th</sup> April 2021. 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.

Local Authority duties:

- 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.
- 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.

- Create a Domestic Abuse Local Partnership Board (see section 3.2 for more detail)

#### Protection of victims in court:

- 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.

#### Police and criminal justice

- Provide for a new Domestic Abuse Protection Notice and Domestic Abuse Protection Order.
- 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.
- Enable domestic abuse offenders to be subject to polygraph testing as a condition of their licence following their release from custody.

#### Other provisions

- Provide for a statutory domestic abuse perpetrator strategy.
- Place the guidance supporting the Domestic Violence Disclosure Scheme (“Clare’s law”) on a statutory footing.
- 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.

### 3.2 Requirement for a Domestic Abuse Local Partnership Board (DALPB)

Under the requirements of the Act, each relevant local authority in England must appoint a Domestic Abuse Local Partnership Board who will:

- a) assess, or make arrangements for the assessment of, the need for domestic abuse support for victims and their children in its area,
- b) prepare and publish a strategy for the provision of such support in its area, and
- c) monitor and evaluate the effectiveness of the strategy.

An interim Board was established in May 2021. The Board is a statutory board of the Local Authority and will be chaired by Cllr P Akhtar (Deputy Cabinet Member for Policing and Equalities). The Act sets out the minimum membership for the Board which includes: local authority, police, health, domestic abuse voluntary organisations and organisations that represent the voices of victims and children.

### 3.3 Next steps

National level:

- It is expected that most of the provisions in the Act will come into force during 2021/22 through commencement regulations, once the necessary preparatory work has been completed, for example, the making of court rules or the issue of guidance.
- The new Domestic Abuse Protection Notice and Domestic Abuse Protection Order will be piloted before being implemented throughout England and Wales.
- There is currently a consultation on the statutory guidance for support within safe accommodations running to the end of July 2021.

Local level:

- A needs assessment is currently being carried out within Coventry to inform development of the strategy for support to victims and their children
- The current Domestic Abuse Strategy for Coventry covers the period 2018-2023. Two addendums to the current strategy will be produced to cover the safe accommodation support requirements of the new Act and the impact of Covid19.
- Local Authorities must publish their strategies for providing support to victims and their children in safe accommodation by 31<sup>st</sup> October 2021

### 3.4 Funding

The government has provided Coventry City Council with a £50,000 Capacity Building grant to prepare for the Domestic Abuse Bill requirements. This will be used for the needs assessment and strategy, and training to ensure services are fully aware of their duties under the Act.

The government has also provided Coventry City Council with a grant of £849,930 in 2021/22 to “*fulfil the functions of the new statutory duty on Tier 1 Local Authorities relating to the provision of support to victims of domestic abuse and their children residing within safe accommodation*”. No funding has been provided beyond 2021/22 and the Ministry of Housing, Communities and Local Government state that any further funding would be confirmed as part of the Governments Comprehensive Spending Review.

## 4 Options Considered and Recommended Proposal

A number of arrangements were considered for the Domestic Abuse Local Partnership Board. Legal advice was that as a statutory board of the local authority the Domestic Abuse Local Partnership Board needs to report to Cabinet with links to other Boards. The Act sets out statutory membership, options to ensure the Board includes an effective voice of victims and children in the most appropriate way will be considered.

The options for carrying out the needs’ assessment and strategy for accommodation-based support were considered within the context of the current needs’ assessment and strategy which are due for refresh in 2023. Because of the short timescales for implementing the requirements of the Act, a specific needs assessment for accommodation-based support and an addendum to the strategy were agreed to be the most cost-effective and timely options.

There is no national commitment of funding beyond 2021/22. The needs assessment, strategy addendum and evaluation of delivery of services this year will help to inform longer term needs.

Health and Wellbeing Board is asked to note the requirements of the Domestic Abuse Act 2021, the creation of a Domestic Abuse Local Partnership Board and the planned next steps

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