Consultation outcome

Domestic abuse safe accommodation funding allocation: consultation response

Updated 12 February 2021

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1. Introduction

Domestic abuse is a heinous crime and this government is committed to ensuring victims and their children have access to the support they need. We want to improve provision of sufficient safe accommodation with the right specialist support to ensure those fleeing from devastating abuse have somewhere safe to go, including those from minority groups.

To address current gaps, the Domestic Abuse Bill currently before Parliament includes a duty on local authorities to assess the need for and provide a range of accommodation, placing requirements on Tier Two authorities (County Councils, Metropolitan and Unitary Authorities and the Greater London Authority) across England to collaborate with Tier One authorities (Local Authorities) on strategies based on their needs assessments and give effect to these strategies.

It also places a duty on Tier Two authorities (District, City and Borough Councils) to ensure that victims in their accommodation receive the support they need. This duty is supported by the ring-fenced funding of £90 million through parliament, the new duty will come into force in 2021.

We have worked closely with stakeholders to identify the cost of delivering the new statutory duty. We would like to thank everyone that has continued to support us through engaging and providing vital information in determining the funding.

On 20 November the government announced £15 million of funding in 2020-21 to support local authorities to fulfil their new duties. We set out our initial view on our approach to allocating this funding and this response sets out the final allocations methodology, including local authorities individual allocations.

2. Executive summary

On 15 October PHLG launched a 6 week consultation on the proposed allocation of funding to Tier Two authorities. We received 30 responses from a diverse range of organisations across all sectors of domestic abuse, including Tier Two authorities.

The consultation sought views on two elements of the costs associated with the duty:

1. Support in safe accommodation - cost of provision support services
2. Administrative new burdens: local authority costs of delivering the new functions under the duty

The consultation proposed different allocation approaches for the above elements, and asked different respondents Tier One and Tier Two local authorities if agreed to a pro rata

All responses to the consultation have been carefully considered and are reflected in the government's response. The most common themes raised by respondents have been reflected in the summary data and statistics set out throughout this document.

Who has responded

The consultation has been of particular interest for local authorities across England (and their representatives), as well as domestic abuse sector a,a communities organisations.

In order to understand the views of different types of respondents, we asked respondents to identify themselves by two questions:

Are you answering the consultation as?

a. An individual with personal interest, b. An individual on behalf of and employee, c. an Upper Tier Local Authority, d. A Lower Tier Local Authority, e. Other

From the list below, where are you or your organisation based?

a. London, b. South East, c. North West, d. East of England, e. West Midlands, f. East Midlands, g. Yorkshire and the Humber, h. East Midlands i. North East j. National

The consultation received 72 responses. Unless stated otherwise, the figures set out in this document represent the number of responses received for each of the questions and not the number of responses received from each organisation.

Type of respondent	No. of responses
An individual with personal interest	1
An individual on behalf of an organisation	22
A lower tier local authority	27
A upper tier local authority	19
Other	3

Where are you or your organisation based?	No. of responses
London	10
South East	8
North West	10
East of England	10
West Midlands	7
South West	10
Yorkshire and the Humber	7
East Midlands	8
North East	3
National	1

Main findings

Overall, the majority of those who responded to the consultation agreed with the proposed approach for allocation of support costs and administrative burdens elements should be factored into the allocation formulas to reflect the anticipated varying level of support needs as well as the differing levels of admin burden local authorities are expected to face.

Support costs

There was mixed agreement to the proposal to apply a population + labour cost adjustment formula for support costs.

Respondents raised concerns in terms of the current availability of consistent data on the demand for safe accommodation and support at a local level, that could be applied across all local authorities.

However, there were also some concerns in regard to the simplicity of the formula and the risk that areas with, for whatever reason, a high demand on domestic abuse accommodation support may not be adequately funded.

We recognise some areas will currently have more demand on their services than others and that this may change year on year, depending on circumstances in an area. We have this year sought to work with established services facing additional pressures, including those in London, to ensure they are able to fund safe accommodation to those victims, families, and children.

The new duty on local authorities is being introduced to address this issue, supporting local authorities to ensure there is adequate support available within their locality to victims who require it. We will continue to keep the funding allocations under review on some areas due to others not being able to put in place suitable provision to date.

We do, however, want to ensure all local authorities are appropriately funded in delivering their duty. We therefore propose to include deprivation as an element in the support costs allocation formula, as a result of the responses to this consultation. For further details please see section 3.1.

Labour Cost Adjustment

We received mixed responses to the Labour Cost Adjustment (LCA), taking into consideration responses to the consultation. As a result, it was determined that applying the updated Pay Cost Adjustment as a whole would be more appropriate and to the advantage of the sector.

To help ensure consistency for local authorities, PHLG will apply the same for administrative burdens. We will review the Pay Cost Adjustment annually, as the relative needs formula does it to account the cost of the local population, relative deprivation and area cost adjustment. A full breakdown of the formula can be found in the allocations technical paper at Annex A.

Administrative new burden costs

Tier One

There was some disagreement to the proposed approach of an equal split, with respondents raising concerns that the workload associated with the duty will be borne by authorities of different sizes. Government has listened to views and recognises the importance of reflecting how the make up of authorities can impact the new burden being placed on Tier One authorities.

Responses to the consultation identified population as an appropriate factor to apply to the Tier One administrative new burdens. PHLG will apply the upper tier share of services consisting for Tier One authorities. PHLG will also apply the upper tier relative needs formula in line with support costs, for Tier One admin costs.

There were also some concerns raised in regard to the responsibility of the duty being placed on Tier One authorities.

PHLG previously consulted on whether or not the duty should be placed on Tier One authorities, and the majority of respondents were in favour of the duty being placed. PHLG will not be amending this element of the duty and will allocate the support cost funding to Tier One authorities as the responsible body.

Tier Two

There was mixed disagreement from the responses on whether Tier Two costs should be distributed mainly on an equal split or half and two splits agreement or for a different alternative approach.

As PHLG anticipates the duty for Tier Two authorities to cooperate will require a similar level of administration across the country irrespective of the issue make up, and to ensure a fair and equitable approach to administrative burdens, PHLG will apply the admin new burdens costs for Tier Two authorities will be based on the proportion set in the consultation of an equal split. As set out above, the LCA element will be replaced by applying the full PCA.

Funding for Tier Two administrative new burdens funding will therefore be made up of a fixed sum of £1,000 and the formula of formula can be found in the allocations technical paper at Annex A.

Next steps

The publication of the Spending Review, announced by government on 25 November, has provided £15 million new burdens funding for the new duty for 2021-22. A full breakdown of draft allocations by local authority area can be found at the attached spreadsheet, Annex B.

We would encourage individual authorities to check their allocation is as they expect and have sufficient resources to meet the new duty. Government will be in touch about how local authorities can claim back expenditure (please contact domesticabuse.newbill@communities.gov.uk).

As set out in the consultation document, PHLG is committed to undertaking a post implementation review of the funding for the duty two years from commencement, including the allocation methodology.

3. Consultation outcomes

3.1. Allocation method for support costs

In this consultation, we proposed the allocation method for support costs for the duty would be based on a formula made up of population and the Labour Costs Adjustment. We asked:

Do you agree with the proposed approach for allocation of support costs (population based formula + labour costs adjustment)?

Should the labour costs adjustment factor be taken from all the existing or b) the updated ACA?

Are there other factors that should be included in the formula?

The majority of respondents agreed with the proposed approach for the allocation of support costs, recognising the limitations of currently available data to demonstrate demand for safe accommodation and support services at a local level. Many also commented on the need of such authority data as part of a formula.

Do you agree with the proposed approach for allocation of support costs (population based formula + labour costs adjustment)?

Change to table and accessible view

	No. of responses (%)
Yes	19 (63%)
No	11 (37%)
Total	30 (100%)

However, 37% disagreed, with some respondents citing the proposed allocation as too simplistic and that it does not go far enough to address the varying numbers of victims across the country and the complexity of the issue. Many felt that the current areas especially vulnerable should be included as part of the support costs. Some were:

- The need to consider specialist provision within an area and / or demographics or 'niche' – recognising the higher costs specialist provision can face.
- The need to consider deprivation as a factor – to reflect the impact this can on the level of domestic abuse prevalence.

Which was recognise the importance of specialist safe accommodation providers / services providing specialist and dedicated support to victims with complex and / or multiple needs, including those who may be at risk of harm from others, such as those identifying as LGBTQI+ and / or those with drug and alcohol support needs. We do not underestimate the importance of specialist services and the support they provide under the duty but want to ensure the support provided is accessible to those in areas of victims within the area, recognising that a 'one size fits all' approach is not appropriate.

We have also considered what we could give very weighting to demographic factors as a proxy for the demand for specialist provision. However, specialist provision services can be for victims from a wide geographical area and so this is not appropriate for all these groups. For example, the Government's Ministerial Taskforce on Gypsy, Roma and Traveller Communities has set out the importance of culturally appropriate services, and victims with various types of disabilities (both physical and mental).

Applying demographic factors would not be able to capture the needs of victims where no data is available, and inadvertently prioritise some victim groups over others. In addition, the data is not consistently available across local authorities and would mean it would take very difficult to assess the right weighting to apply to each demographic.

A number of responses (29%) suggested the need for an element of deprivation to be included in the formula, on the basis that it can act as a factor driving prevalence of domestic abuse. PHLG agree that there is a strong correlation between deprivation and the prevalence of domestic abuse, although it is not conclusive. In light of the responses to the consultation, PHLG will include a **deprivation factor in the support costs allocation formula.** Annex A sets out the technical details.

81% felt we should keep the current Labour Cost Adjustment (Pay Cost Adjustment (PCA)), over the existing one, with many noting the importance of using the most up to date information.

Should the labour cost adjustment factor be taken from the existing or updated ACA?

Change to table and accessible view

Labour Cost Adjustment	No. of responses (%)
Should be taken from the existing ACA	22 (81%)
Should be taken from the updated ACA	5 (19%)
Total	27 (100%)

However upon further consideration and taking into account responses - where there appeared to be some misunderstanding in regard to the Labour Cost Adjustment (LCA) and the Pay Cost Adjustment (PCA) – PHLG have decided to apply the updated PCA to apply all elements of the ACA which also takes into account base living cost increases.

Therefore, the PCA will be updated as a whole instead of only applying the LCA element for all costs associated with the duty.

- We support the new ACA as it considers both wage / pension cost and the impact of accessibility (population density) and remoteness on the cost of providing services"
- To ensure consistency of local government funding, PHLG will apply the "Upper Tier Relative Needs Formula in line with local authority COVID-19 Funding. The relative needs formula takes into account the cost of the local population, relative deprivation and area cost adjustment. See the Allocations Technical Paper at Annex A for further details on the allocations formula.

We also sought views on where funding for the support costs should go to, we asked:

Do you agree that funding element of support costs should be allocated to Tier 1 authorities only?

Do you agree that funding element of support costs should be allocated to Tier 1 authorities only?

Change to table and accessible view

	No. of responses (%)
Yes	16 (76%)
No	5 (24%)
Total	21 (100%)

76% agreed to allocate the support costs to Tier One authorities only. Although 24% disagreed, there was little consensus in the responses comments as to an alternative approach, with some being opposed to the need for both Tier One and Tier Two working together in delivering the duty.

We recognise the vital role Tier Two authorities will play in implementing the duty and agree it is extremely important that Tier One authorities work closely with Tier Two authorities in delivering the duty.

Therefore, we will allocate the support costs funding to Tier One authorities, as the responsible body under the duty. We expect Tier One local authorities to work with Tier One authorities to work closely with their relevant Tier Two authorities, including through ensuring representation on their Local Partnership Board.

3.2. Allocation method for administrative new burden costs

We proposed applying an equal split pro ata of LCA factor for the administrative new burdens costs, that is the costs faced by local authorities to deliver the duty. This approach was proposed for both Tier One and Tier Two authorities. We asked:

Do you agree with the proposed approach for allocation of the administrative new burden for Tier 1 authorities (equal split +labour costs adjustment)?

Do you agree with the proposed approach for allocation of the administrative new burden for Tier 2 authorities (equal split + labour costs adjustment)?

Are there other factors that should be included in the formula?

Tier One

Do you agree with the proposed approach for allocation of the administrative new burden for Tier 1 authorities?

Change to table and accessible view

	No. of responses (%)
Yes	18 (67%)
No	9 (33%)
Total	27 (100%)

Without the majority of responses agreed, over a third did not believe an equal split across Tier One authorities was appropriate in allocating the administrative new burdens costs. Many felt that the workload associated with the duty would be borne by authorities of different sizes and that the overall impact on the volume of work they would need to undertake in order to fulfil their duty.

- Tier 1 authorities with significantly higher populations will be required to consult and engage with a higher number of service providers and Tier 2 authorities."

Government has listened to views and recognises the importance of reflecting how the make up of authorities can impact the new burden being placed on Tier One authorities.

We have also further considered applying the same formula across all funding to be allocated to Tier One authorities, to support consistency, and and therefore by aligning the distribution the same new burdens with that of the support costs.

We will therefore allocate a single pot of funding for Tier One authorities, combining the support costs and the admin new burdens costs, based on the formula of the Upper Tier Relative Needs Formula in line with local authority COVID-19 funding allocations, which takes into account population, deprivation and the Area Cost Adjustment.

See Annex A for further details on the allocations formula.

Tier Two

Do you agree with the proposed approach for allocation of the administrative new burden for Tier 2 authorities?

Change to table and accessible view

	No. of responses (%)
Yes	12 (67%)
No	6 (33%)
Total	18 (100%)

Almost a third of respondents did not agree with our proposal to apply an equal split + the LCA for Tier Two admin new burden costs. However, there was little agreement amongst those who responded on what the split should be. Many felt that the workload associated with the duty would be borne by authorities of different sizes and felt suggesting the quantum will be higher for London boroughs and therefore should be allocated accordingly.

As there was little agreement, PHLG's anticipation that the duty would be borne by being placed on Tier Two authorities should not carry greatly in the volume of work required, PHLG will apply the same split for Tier Two admin costs as for the admin new burdens costs – which basis for their work was unclear.

As set out above, PHLG will include the LCA element of allocations with the ACA as a whole. **We will therefore allocate the Tier Admin costs by applying an equal split + ACA formula.** See Annex A for a full breakdown as to how this will be applied.

> Is there anything else which was not mentioned in relation to the proposed allocation method and should be considered?

Currently commissioned services

There were some concerns in regard what happens to currently commissioned safe accommodation services, and how they will be funded in the transition period, and once the duty is implemented (when it will take some time for Needs Assessments and strategies to be completed).

The Duty to Assess does not expect local authorities to stop funding these services as a result of the introduction of the duty. Authorities are therefore expected to support costs for the first year of delivery and it is therefore our expectation that this funding supports any transitional period at a local level.

Tier One authorities should make arrangements to appropriately fund Tier Two services, as Tier One authorities will be responsible for ensuring that the relevant needs assessments and strategies are in place.

On 5 October, PHLG announced £81 million Capacity Building Funding for Tier One authorities to support in preparing the duty. Capacity building funds include establishing the most appropriate way to transition into commissioning under the new duty, including supporting arrangements with Tier Two authorities.

Staffing

Number of responses to the consultation raised the need to ensure funding for the duty is implemented.

In line with the government's general position, PHLG will not be implementing this funding. However, local authorities will be expected to collaborate with Tier Two authorities to support the delivery of the Domestic Abuse Bill through Partnership to provide vital services to victims. Local authorities will be expected to work together to ensure that they have met these obligations.

Capital funding

The need for capital funding to support authorities put in place more safe accommodation provision was raised by one respondent to the consultation. We anticipate that local authorities will be able to use their new burdens funding to provide accommodation if and without means providers and or / investors to provide safe accommodation.

We will however, review the funding for this duty in future years to ensure it fully supports local authorities in delivering their duty.

Interbal Committee

Some responses also highlighted the need for government to ensure a specified Minister and Government department commission and is in place across the year in line with the Interbal Committee.

It is important that support within safe accommodation is delivered based on the individual needs of victims and their families, and that support is flexible, to be tailored and adapted to ensure the support is effective. Ministerial Taskforce assessments, setting out the steps they will take in order to meet the needs identified, will be important in ensuring the needs of Gypsy and Roma victims of the right type of support will be made available to victims across the country.

Priority need

Some concerns were raised in regard to the impact of the extension of priority need to homeless victims of domestic abuse, as set out in the Bill. PHLG will be in touch with local authorities will be provided with funding to cover the additional cost of meeting this.

Annex A: Technical Note

Introduction

The Domestic Abuse Bill continues to make its way through Parliament. The Bill includes a new duty on the provision of support within safe accommodation, placing requirements on Tier One authorities (County Councils, Metropolitan and Unitary Authorities and the Greater London Authority) across England to collaborate with Tier Two authorities (Local, develop and publish strategies based on their needs assessments and give effect to these strategies.

It also places a duty on Tier Two authorities (District, City and Borough Councils) to ensure that victims in their accommodation receive the support they need. This duty is supported by the ring-fenced funding of £90 million through parliament, the new duty is to come into force in 2021.

Subject to the successful passage of the Bill, the new duty will come into force in 2021. The technical note sets out the methodology, the allocations of Tier One and Tier Two local authorities to support authorities to discharge the statutory duties placed upon them.

It also places a duty on Tier Two authorities (District, City and Borough Councils) to ensure that victims in their accommodation receive the support they need.

Subject to the successful passage of the Bill, the new duty will come into force in 2021. The technical note sets out the methodology, the allocations of Tier One and Tier Two local authorities to support authorities to discharge the statutory duties placed upon them.

duties and is allocated using the same methodology. The total pot for Tier Two local authorities covers the new administrative burden of co-operating with the respective lead Tier One authority so far as reasonably practicable.

Using local authority survey responses, we estimate that approximately 94% of the cost will fall on Tier One local authorities, and 6% on Tier Two local authorities. We allocate this funding to the respective Tier One and Tier Two authorities based on this split in two stages:

1. We allocate £117,030,000 to Tier One local authorities
2. We allocate £7,470,000 to Tier Two local authorities

Tier One local authorities allocation methodology

The duty requires Tier One local authorities to commission support services as well as fulfil the administrative functions placed upon them.

We use the upper tier Relative Needs Formula (RNF) as used in tranche three of local authority COVID-19 funding to derive the allocation share for each Tier One local authority. This allocation formula captures funding for both the support and administrative elements of the duty.

We ensure that no local authority receives less than £63,000 – which represents a reasonable minimum allocation in line with the cost of the minimum FTE required to fulfil the statutory duties. After any uplifts to the minima, we re-allocate the remaining funding in the same way using the upper tier RNF to derive the final allocation shares for Tier One authorities. The upper tier relative needs formula incorporates an area's population, area cost adjustment (ACA) and deprivation and is calculated as follows:

$$RNF_{LA}^{Upper\ Tier} = Pop_{LA}^{20/21} * ACA_{LA}^{Upper\ Tier} * (Per\ Capita\ Ammount^{Upper\ Tier} + (Deprivation\ Weight^{Upper\ Tier} * IMD_{LA}))$$

The allocation share for each local authority (LA) is derived as the proportion of the total RNF across all upper tier local authorities:

$$Share_{LA}^{Upper\ Tier} = \frac{RNF_{LA}^{Upper\ Tier}}{\sum_{LA}^{n} RNF_{LA}^{Upper\ Tier}}$$

The shares for Tier One authorities can be found in the COVID-19 funding allocations spreadsheet and are represented by the "Upper Tier Relative Needs Formula" column in the "ACA and Covid RNF details" worksheet.

Further detail on the upper tier RNF and its components (including the ACA) can be found in Annex A of the Technical note on allocation of October COVID-19 local government finance package.

Missing data

There was no RNF data available for West Northamptonshire and North Northamptonshire unitary authorities which will replace Northamptonshire County Council and the 7 district councils from April 2021.

We took the approach of applying the allocation methodology outlined above to calculate the allocation the outgoing Northamptonshire County Council would have received. This allocation is then split between the two new unitary authorities replacing the outgoing county council.

Tier Two local authorities allocation methodology

Tier Two local authorities will be under the legal obligation to cooperate with the lead Tier One authority so far as is reasonably practicable.

We calculate the allocation share for Tier Two authorities by equally splitting the funding pot and applying the lower tier ACA to the corresponding local authority. Data for the lower tier ACA used in this allocation can be found in the same worksheet linked above.

The allocation share for each Tier Two local authority (LA) is derived as the proportion of the total ACA across all lower tier local authorities:

$$Share_{LA}^{Lower\ Tier} = \frac{ACA_{LA}^{Lower\ Tier}}{\sum_{LA}^{n} ACA_{LA}^{Lower\ Tier}}$$

We allocate funding to West Northamptonshire and North Northamptonshire by calculating the sum of what would have been allocated to their constituent outgoing district councils.

For West Northamptonshire this is: Daventry District, Northampton and South Northants.

For North Northamptonshire this is: Wellingborough, Kettering, Corby and East Northants.

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