Report consultation

New duties on local authorities to provide domestic abuse support in safe accommodation in England: consultation

Updated 15 June 2021

Contents
Scope of the consultation
Basic information
Introduction
Background
Proposal
The questionnaire
About this consultation
Personal data

Print this page

Scope of the consultation

Topic of this consultation:

This paper seeks views on the government's draft statutory guidance and regulations to accompany the new duties on local authorities relating to the provision of domestic abuse support in safe accommodation in England (collectively "the Full Offer Domestic Abuse duty").

Scope of this consultation:

The consultation relates to the draft regulations and statutory guidance that support all the Tier 2 local authorities in meeting the new duties relating to the provision of domestic abuse support in safe accommodation, as specified relating to safe accommodation within Part 4 of the Domestic Abuse Act 2021.

Geographical scope:

This consultation applies to England only.

Impact assessment:

A full equalities impact assessment has been undertaken and considered in full. However, we would welcome views.

Basic Information

Body/bodies responsible for the consultation:

Ministry of Housing, Communities and Local Government.

Duration:

This consultation will last for 6 weeks from 15 June to 27 July.

Enquiries:

For any enquiries about the consultation please contact: DomesticAbuse.RemovalofUnlawfulCommunities@mhclg.gov.uk.

How to respond:

You encourage you to respond by completing an online survey.

Alternatively you can email your response to the questions in this consultation to DomesticAbuse.RemovalofUnlawfulCommunities@mhclg.gov.uk.

If you are responding by email, please state if and to which questions you are responding to.

Introduction

1. Domestic abuse is a devastating crime which creates long term impacts on victims, their children, and wider society. Government has committed to transforming the response to domestic abuse.

2. On 29 April the Domestic Abuse Act 2021 received royal assent. The act includes within Part 4 (sections 57-61) new duties on tier 2 local authorities in England relating to the provision of domestic abuse support in safe accommodation. Safe accommodation and a duty on tier 2 authorities to co-operate with tier 1 authorities. To accompany the new duties the government is providing statutory guidance and regulations which are relevant to both tier 1 and tier 2 local authorities.

3. In this consultation, the Ministry of Housing, Communities and Local Government (MHCLG) is seeking views on the draft statutory guidance and the following draft statutory instruments:

- The Domestic Abuse Support (Relevant Accommodation) Regulations 2021
- Domestic Abuse (Local Authority Strategies) Regulations 2021

Background

Review of support within domestic abuse safe accommodation services

4. Government recognises the critical importance of safe accommodation and support for victims and their children as they rebuild their lives after the trauma of domestic abuse.

5. Following extensive engagement with domestic abuse sector partners, local authorities and others, and a public consultation, on 16 October 2019, government announced its intention to introduce new duties on local authorities in the Domestic Abuse Bill.

6. The Domestic Abuse Bill on its reintroduction to Parliament on 3 March 2020 included new duties on tier 1 local authorities relating to the provision support to victims of domestic abuse and their children residing in relevant safe accommodation.

The new duties and the Domestic Abuse Act as its legislative vehicle

7. The Domestic Abuse Act 2021, can be found at https://www.legislation.gov.uk/ukpga/2021/21/contents/enacted

8. Under the duties tier one local authorities will be required to convene a Domestic Abuse Local Partnership Board to assess the need for domestic abuse support and commission support to victims of domestic abuse and their children within safe accommodation services in their areas, and report back to central government that they have met the duties in full. In order to meet the duties local authorities in England boroughs will be required to co-operate with their tier 2 lead authorities, or be so, reasonably practicable.

The proposal

9. Under section 60 of Part 4 of the Domestic Abuse Act the Secretary of State is required to issue statutory guidance to tier 2 local authorities in relation to their new functions, having consulted the Domestic Abuse Commissioner, local authorities and other such persons as considered appropriate. Local authorities will need to have regard to the guidance in exercising their functions.

10. The draft guidance goes further detail on the new provisions (detailing the legal framework), the role of the Tier 2 local authorities (should fulfill all their duties/functions under Part 4 of the Domestic Abuse Act).

11. Part 4 also provides for the drafting of regulations to be made by the Secretary of State:

- Section 57(5): Power to specify description of "relevant accommodation"
- Section 57(6): Power to make regulations about preparation and publication of strategies
- Section 59(2): Power to make regulations about form and content of annual reports.

12. In this consultation the government is seeking views on the draft statutory guidance and two of the draft regulations. The government is not seeking views on the Secretary of State's (SoS) (or MHCLG's) duty to be responsible for (consult on) those regulations in the Act.

13. Through this paper we are seeking views on the following areas:

- The statutory guidance
- Annex A: the statutory guidance: recommended terms of reference for Local Domestic Abuse Partnership Boards
- Annex B: the statutory guidance: updated PHVCLG quality standards
- The draft regulations: The Domestic Abuse Support (Relevant Accommodation) 2021
- Domestic Abuse (Local Authority Strategies) Regulations 2021

The questionnaire

Statutory guidance

14. The statutory guidance supports the new duties on relevant local authorities with respect to the provision of domestic abuse support in safe access to the right support within relevant safe accommodation.

15. The statutory guidance will accompany the Domestic Abuse Act and gives further details on the new provisions for all tier 1 and 2 local authorities in fulfilling their duties under the Act.

Q3. Are you happy with the level of clarity and detail within the statutory guidance?

a. Yes

b. No

c. Comments:

Q4. Are there any areas within the statutory guidance that need further clarification?

a. Yes

b. No

c. Comments:

Q5 If yes, please specify where it would be helpful to have more detail.

Comments:

Q6. Are there any areas missing from the statutory guidance that you think would be helpful to include?

a. Yes

b. No

c. Comments:

Q7. If yes, please specify which areas are missing that you think it would be helpful to include in the guidance comments.

Q8. Do the local authorities (TIs) you agree that June is a reasonably practical time after the end of each financial year for the submission of annual reports to PHVCLG?

a. Yes

b. No

Q9. If not, please specify what would be a reasonably practical time for the submission of annual reports to PHVCLG.

Comments:

Annex A: Recommended terms of reference for Local Domestic Abuse Partnership Boards

Tier 1 authorities must appoint a Local Partnership Board (Board) convening of key local stakeholders, including representatives from the local authorities in the area of their choice. To support local authorities in setting up these Board we have provided recommended terms of reference.

Q10. Do you agree with the recommended terms of reference for Local Domestic Abuse Partnership Boards?

a. Yes

b. No

Q11. Is there anything missing that you would like to see included?

Comments:

Annex B: PHVCLG quality standards

Q12. Do you agree with the updated PHVCLG quality standards?

a. Yes

b. No

Q13. Is there anything missing that you would wish to see included?

Comments:

Regulations

The Domestic Abuse Support (Relevant Accommodation) Regulations 2021.

The regulations provide a description of 'relevant accommodation'. This description is necessary to ensure the provisions in the new duty are clear as to which accommodation the domestic abuse victims and their children may be in – or should be in:

- Refuge accommodation
- Specialist safe accommodation
- Dispersed accommodation
- Sanctuary scheme
- move-on or second stage accommodation.

Where relevant accommodation is provided by a local housing authority, a private registered provider of social housing or a registered charity whose objects include the provision of support to victims of domestic abuse, or accommodation which is part of a local authority sanctuary scheme.

Q14. Do you agree with the description of refuge accommodation as defined in the regulations?

a. Yes

b. No

c. Comments:

Q15 Do you agree with the description of specialist safe accommodation as defined in the regulations?

a. Yes

b. No

c. Comments:

Q16. Do you agree with the description of dispersed accommodation as defined in the regulations?

a. Yes

b. No

c. Comments:

Q18. Do you agree with the description of move-on or second stage accommodation as defined in the regulations?

a. Yes

b. No

c. Comments:

Q19. Is there anything missing that you would wish to see included in the regulations?

Comments:

Domestic Abuse (Local Authority Strategies) Regulations 2021

These regulations make provision about the preparation and publication of strategies, under section 62 of the Act, by a relevant local authority in England. Each such a relevant local authority must have regard to a statutory guidance (for example this document) as with other local authority functions such as Vulnerable Adult Women and Children Strategies, Homelessness Strategies, Public Health Strategies. The strategy must be published. The frequency with which a relevant local authority must review its strategy and the effect of their strategy on other local authority domestic abuse support.

Q20. Do you agree with the frequency of the publication of strategies?

a. Yes

b. No

c. Comments:

Q21. Do you agree that the first strategy should be published by 31 October?

a. Yes

b. No

c. Comments:

Q24. If not, please specify when it should be published

Comments:

Q25 Is there anything missing that you would wish to see included in the regulation?

Comments:

About this consultation

This consultation document and accompanies have been planned to adhere to the consultation principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who they represent when feeding back their consultation views they respond.

Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information (FOI) Act 2000, the Data Protection Act (DPA), the EU General Data Protection Regulation, and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may be asked to disclose information, including personal data, exceptions. In view of this it would be helpful if you could explain to us why you regard the information you provide as confidential. If the Department is unable to keep some of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An IT disclaimer generated by our IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included below.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the complaints procedure.

Personal data

The following is to explain your rights and give you the information you are entitled to under the data protection legislation.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gov.uk

2. Why we are collecting your personal data

This consultation does not ask for personal data. Respondents should not submit any personal data in their responses to this consultation. If respondents do, it will be used for a purpose, it will be anonymised or disposed of by the Department.

To the extent that any personal data (opinions, contact details or the content of responses) may be held, it will be processed in accordance with the DPA and for the purposes in the privacy notice to comply with the data protection principles.

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

Article 6(1)(e) of the GDPR makes provision for MHCLG to process personal data where it is necessary for the performance of a task carried out in the public interest. Section 8 DPA 2018 states that this includes processing that is necessary for the function of a government department.

4. With whom we will be sharing your personal data

MHCLG intends to share the findings of the consultation with all other government departments and agencies. Any personal data will be provided will be anonymised and we will not include any personal data if published.

5. For how long we will keep your personal data, or criteria used to determine the retention period.

Any personal data will be held for two years from the closure of the consultation.

6. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to this data. You have the right:

a. to see what data, we have about you

b. to ask us to stop using your data, but keep it on record

c. to ask to have all or some of your data deleted or corrected

d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at https://ico.org.uk/, or telephone 0303 123 113.

7. Your personal data will not be sent overseas.

8. Your personal data will not be used for any automated decision making.

9. Your personal data will be stored in a secure government IT system.

IT system.

Is this page useful? Yes No Report a problem with this page

Coronavirus (COVID-19)

Coronavirus (COVID-19): guidance and support

Brexit

Check what you need to do

Services and information

Benefits

Births, deaths, marriages and care

Business and self-employed

Childcare and parenting

Citizenship and living in the UK

Crime, justice and the law

Disabled people

Driving and transport

Education and learning

Employing people

Environment and countryside

Housing and local services

Money and tax

Passports, travel and living abroad

Visas and immigration

Working, jobs and pensions

Departments and policy

How government works

Departments

Worldwide

Services

Guidance and regulation

News and communications

Research and statistics

Policy papers and consultations

Transparency and freedom of information releases

OGL All content is available under the Open Government Licence v3.0, except where otherwise stated

© Crown copyright