

Birmingham City Council

Report to Cabinet

12th October 2021



Subject: DOMESTIC ABUSE - PART 4 DOMESTIC ABUSE ACT 2021- NEW DUTY ON LOCAL AUTHORITY

Report of: Professor Graeme Betts
Director for Adult Social Care

Relevant Cabinet Member: Cllr John Cotton - Social Inclusion, Community Safety & Equalities
Cllr Tristan Chatfield - Finance & Resources

Relevant O &S Chair(s): Cllr Penny Holbrook - Housing & Neighbourhoods
Cllr Mohammed Aikhlaq – Resources

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Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 009315/2021		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:		

1 Executive Summary

- 1.1 This report seeks retrospective approval for a Section 31 grant received from the Department for Levelling Up, Housing and Communities (DLUHC - formerly MHCLG) to Birmingham City Council to discharge its new duty under Part 4 Domestic Abuse Act 2021. The new duty relates to the provision of support to victims

of domestic abuse and their children residing within safe accommodation. The value of the grant is £3,263,007

- 1.2 The report sets out our approach to utilising this grant to discharge the new duty as outlined in **Appendix 1**.
- 1.3 The grant was received on 1st April 2021 for 12 months to 31st March 2022.

2 Recommendations

That Cabinet

- 2.1 Provides retrospective approval for the grant received from DLUHC of £3,263,007 to enable the Local Authority to discharge its new duty under Part 4 Domestic Abuse Act 2021.
- 2.2 Notes the delivery of this new duty using the funding, as set out in **Appendix 1**.

3 Background

- 3.1 The Domestic Abuse Act 2021 recently completed its passage through Parliament in April. Part 4 of the Act includes a new statutory duty on Local Authorities relating to the provision of support to victims of domestic abuse and their children residing within safe accommodation.

The new duty on Local Authorities aims to ensure that all victims of domestic abuse have access to the right support within safe accommodation when they need it. This duty is separate to Local Authority housing duties under the Housing Act 1996 and the Homelessness Reduction Act 2017 and does not place a requirement on authorities to provide domestic abuse victims with accommodation.

- 3.2 The new duty places requirements on Tier One authorities, to appoint a multi-agency Local Partnership Board (LPB) to support them in performing certain specified functions. These include:
 - 3.2.1 Assess the need for accommodation-based support for all victims and their children, including those who require cross border support.
 - 3.2.2 Prepare and publish strategies for the provision of support to cover the locality and diverse groups of victims.
 - 3.2.3 Give effect to strategies by making commissioning/de-commissioning decisions to meet the support needs of victims and their children.
 - 3.2.4 Monitor and evaluate local delivery of the strategy.
 - 3.2.5 Report back to Central Government outlining how the functions have been executed under the new duty as above and evidencing spend against this with delivery at a local level.
- 3.3 The grant was distributed to Local Authorities for the period from 1st April 2021 to 31st March 2022 only and for the purpose of and the expectation that they start to prepare and fulfil their relevant functions under the duty from that date as if the new

duty were in force and continue to fulfil these functions in line with the duty once it is commenced. Funding for subsequent years has not been confirmed.

3.4 There has been a delay in presenting this report to Cabinet due to a number of clarifications required from DLUHC by the local authority:

- The purpose of the grant being for crisis interventions only rather than a prevention approach.
- At this moment in time, there are no commitments from central government for subsequent years funding which limits the commissioning options for the local authority and the subsequent bidder responses.
- The requirements set by DLUHC for the completion of the needs analysis under the local authority Part 4 duties which are running parallel to the timeframe for committing the funding allocation. Ordinarily the needs analysis would inform the commissioning intentions. This has therefore limited the approaches to commissioning set out below.

3.5 An approach has been developed to deploy the 1-year funding to initially address pressure on existing services. This approach will seek to enhance the support provision for victims in commissioned safe accommodation and enhance delivery within Housing and Birmingham Childrens Trust. Following a needs assessment, a grants prospectus will give opportunities to smaller specialist organisations to bid for monies, which address gaps and considers equality and diversity. **Appendix 1** provides more detail on the approach to be deployed.

4 Options considered and Recommended Proposal

4.1 Not to accept the grant would have a detrimental impact on the Local Authority's ability to discharge its new statutory duty under Part 4 of the Domestic Abuse Act 2021 and may negatively impact on victims of domestic abuse and their children residing in safe accommodation.

4.2 Deliver the support services in house- This is not an option as the Council does not have the specialist expertise to do this.

4.3 It is recommended that the grant is retrospectively accepted, and support be given to the approach set out.

5 Consultation

5.1 External consultation and discussion with partners have taken place on a regular basis at the Domestic Abuse Local Strategic Partnership Shadow Board, chaired by Councillor Brennan, Cabinet advisor for domestic abuse.

5.2 Domestic Abuse Commissioned partners were consulted in February and March and meetings were held with internal colleagues from the Neighbourhoods directorate and Birmingham Childrens Trust.

- 5.3 The Vulnerable Adults Citizens Panel has been consulted and have agreed for a representative to take part in moderating the projects.
- 5.4 The following Cabinet Members have been consulted and support the proposal: Cabinet Member for Health and Social Care, Cabinet Member for Homes and Neighbourhoods and Cabinet Member for Vulnerable Children & Families.

6 Risk Management

- 6.1 Risks will be identified, evaluated and controlled in line with the Birmingham City Council Risk Management Methodology 2017.
- 6.2 A full Risk Register has been developed as part of the project management of this recommissioning. The project management, governance and oversight of this re commissioning will be through the Social Justice Commissioning Board chaired by the Assistant Director Commissioning (Adult Social Care) and will report through to the Adults Social Care Management Team chaired by the Director for Adults Social Care.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

The recommended proposal supports the delivery of one or more of our Council's priorities as set out in the Birmingham City Council Plan 2022:

- 7.1.1 Birmingham is an entrepreneurial city to learn, work and invest in - by deploying the funding to provide additional support for victims of domestic abuse we will invest and create local jobs. This will allow local people to develop skills and make the best of economic growth.
- 7.1.2 Birmingham is an aspirational city to grow up in -by providing specialist support to address the traumatic experiences of children living with or witnessing domestic abuse, we will intervene to support children to address, recover from domestic abuse and become resilient. Working with the Childrens Trust, this will enable children and young people affected by domestic abuse to achieve the best outcomes in childhood and inspire them to be ambitious and achieve their full potential.
- 7.1.3 Birmingham is a fulfilling city to age well in – Vulnerable victims of domestic abuse will be supported to recover, become resilient and move on in their journey to be independent citizens who can have real control over their lives and well-being once again.
- 7.1.4 Birmingham is a great city to live in - We will work with our partners to use this funding to support victims of domestic abuse in safe accommodation and help build a City that supports victims to live happier, healthier and more independent lives in their own communities.

- 7.1.5 Birmingham residents gain the maximum benefit from hosting the Commonwealth Games: We will work closely with the Commonwealth Games Team to ensure through our links with the Pure project, that victims of domestic abuse, who are on the road to recovery, can be considered for volunteering development opportunities, thus maximising the benefits of a sustainable Games legacy in the city.

7.2 Legal Implications

- 7.2.1 Part 4 Domestic Abuse Act 2021 places a new statutory duty on Local Authorities relating to the provision of support to victims of domestic abuse and their children residing within safe accommodation. This report sets out progress being made on the implementation of this new duty and the utilisation of the funding to meet this.

7.3 Financial Implications

- 7.3.1 Funding for the commissioned activity outlined will be met from external funding of £3,263,007 which has been received via a Section 31 grant from DLUHC to meet the new statutory duty as set out in Part 4 Domestic Abuse Act 2021.
- 7.3.2 The grant was distributed to Local Authorities for the period from 01 April 2021 to 31 March 2022 only and for the purpose of and the expectation that they start to prepare and fulfil their relevant functions under the duty.
- 7.3.3 Existing contracts which provide domestic abuse support will be varied upon approval of this report, to increase provision and meet the gaps identified between the current service and that which must be provided under new legislation. Variations are temporary and limited to a total of £2,160, 401.66, as detailed in **Appendix 2**.
- 7.3.4 The remaining funds will be spent on needs assessment, administrative support and the development of a grant's prospectus to give opportunities to smaller specialised organisations to bid for monies, which address gaps arising from the needs assessment and considers equality and diversity. This spend is controllable and will be limited to the remaining grant funding.
- 7.3.5 Reporting on the implementation of the new duty and spend will be expected to both Section 151 officer and the national accountable body that has been set up to provide national oversight of the delivery of the new duty.
- 7.3.6 All commitments are temporary; further extensions and continuation of provision will be dependent on future grant funding amounts.

7.4 Procurement Implications

7.4.1 Adult Social Care will lead on commissioning, in consultation with Procurement colleagues. Procurement will be through a mix of modifications to existing contracts and grant awards.

7.4.2 Delivery will be via modifications to existing contracts that deliver housing and wellbeing support to victims of domestic abuse; project reference P0577.

Under the Public Contract Regulations (PCR) 2015, contracts may be modified without a new procurement procedure where all of the following conditions are met:

- the need for modification has been brought about by circumstances which a diligent contracting authority could not have foreseen;-
- the modification does not alter the overall nature of the contract:
- any increase in price does not exceed 50% of the value of the original contract

These conditions will be met.

7.4.3 Modifying the Vulnerable Adults Housing and Wellbeing contracts means the required conditions would be fulfilled; reducing any risk of a successful challenge to the Council for not procuring the services. This, together with the short timescales, means the risk is considered extremely low.

7.4.4 Service Lead Commissioners in Adult Social Care agree with the proposed modifications.

7.5 Human Resources Implications (if required)

The contract management will be undertaken by staff within Adult Social Care.

7.6 Public Sector Equality Duty

An Initial Impact Assessment has been carried out and no adverse impacts have been identified and a Full Impact Assessment is not recommended at this stage (see **Appendix 3**)

8 Appendices

Appendix 1 - To detail our approach to utilising the funding

Appendix 2 - Set out the allocated funding.

Appendix 3 – Initial Equality Impact Assessment

9 Background Documents

DLUHC (formerly MHCLG) Draft Statutory guidance on Part 4 Domestic Abuse Act 2021

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/993825/Domestic_Abuse_Act_-_draft_statutory_guidance.pdf