

DAHA[®]




Domestic Abuse Housing Alliance



The Domestic Abuse Bill – A Summary

March 2021



- 
- 
- 
1. Aims of the Domestic Abuse Bill
 2. DA Bill Progress
 3. Summary of Contents
 4. Implications for Local Authorities & Housing
 5. Possible Amendments

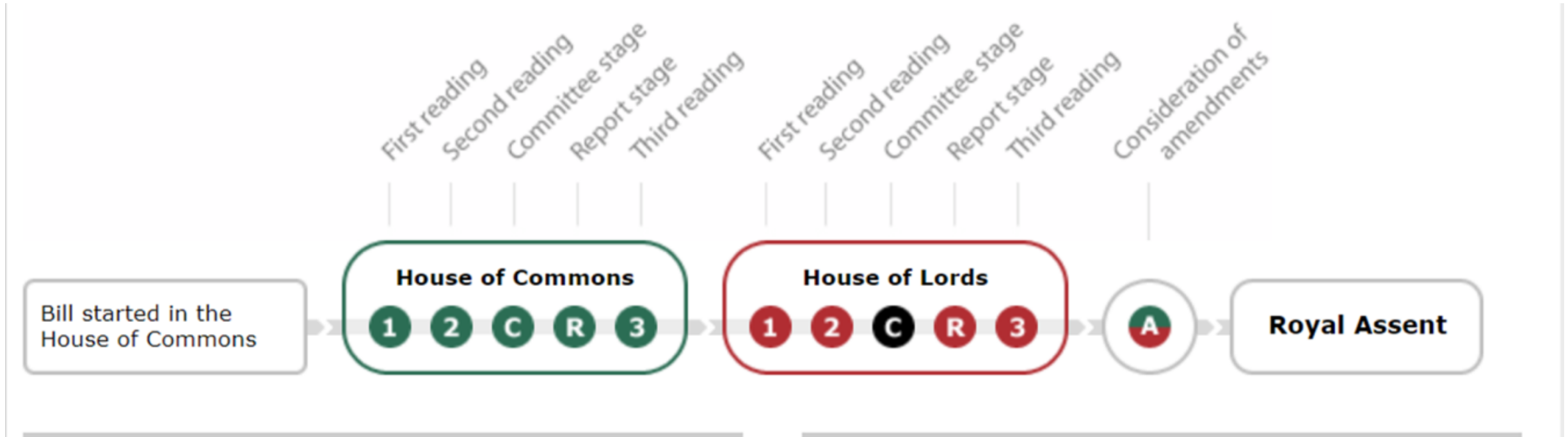
The DA Bill: Current Progress

Consideration of Amendments

<https://bills.parliament.uk/bills/2709#timeline>

Current version of the Bill - <https://publications.parliament.uk/pa/bills/cbill/58-01/0281/200281.pdf>

Next sitting 15 April



<https://bills.parliament.uk/bills/2709#timeline>

Aims of the DA Bill



1st aim: to be clear on what DA is & who it affects

- Statutory age of both abuser and survivor to be 16 to distinguish from child abuse/child protection.
- children are now to be recognised as victims of domestic abuse in their own right & so afforded the right to support as victims. This will help to ensure that locally commissioned services consider and address the needs of children affected by domestic abuse.

2nd Aim: to better protect & support victims of domestic abuse

- Support for victims and their children in safe accommodation.
- DAPN/DAPO – will combine best features of civil orders. It will be available in criminal, civil & families court and provide an additional tool for managing the risk posed by perpetrators, by enabling courts to impose a range of conditions including notification requirements, positive requirements and electronic monitoring.
- DVDS – Right to Ask, Right to Know. Police can proactively reveal information. This will now be on a statutory footing.
- Special measures in all courts
- Protection from cross-examination by the perpetrator



Part 1: Statutory Definition

Domestic Abuse Act 2020

Part 1 Definition of “domestic abuse”

Section 1: Definition of “domestic abuse”

(1) This section defines “domestic abuse” for the purposes of this Act.

(2) Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if—
 (a) A and B are each aged 16 or over and are personally connected to each other,
 and
 (b) the behaviour is abusive.

(3) Behaviour is “abusive” if it consists of any of the following—
 (a) physical or sexual abuse;
 (b) violent or threatening behaviour;
 (c) controlling or coercive behaviour;
 (d) economic abuse (see subsection (4));
 (e) psychological, emotional or other abuse;

and it does not matter whether the behaviour consists of a single incident or a course of conduct.

Part 2: Domestic Abuse Commissioner



- The office of the Domestic Abuse Commissioner will be established in law.
- **Independent of the government** but funded by the Home Office and will have a 'statutory framework' for how Commissioner works with the Home Secretary
- Aims to provide public leadership on domestic abuse and play a **key role in overseeing and monitoring the provision of domestic abuse services** in England and Wales. Responsibilities including:
 - mapping and monitoring provision of services
 - make recommendations to public bodies (including local commissioners, statutory agencies and national govt)
 - carry out research,
 - work jointly with public authorities and voluntary organisations,
 - and raise public awareness of domestic abuse

Specified public bodies will be under a duty to cooperate with the Commissioner, and they and government Ministers will be required to respond to each recommendation the Commissioner makes to them within 56 days.



Nicole Jacobs

Part 3: domestic abuse prevention orders (DAPO)

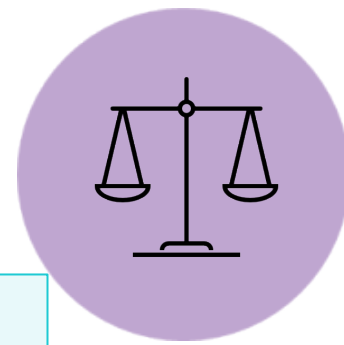


New civil Domestic Abuse Protection Notice (DAPN) and Domestic Abuse Protection Order (DAPO) Will replace the DVPNs/DVPO currently in place and cover all forms of domestic abuse – not only physical violence.

A number of further changes:

- DAPN can provide **immediate protection** following a domestic abuse incident.
- DAPO can be **accessed through a number of routes** – police, victims themselves, and **specified third parties**
- Criminal, family, and civil courts will also be able to make a DAPO of their own volition
- **Prohibitions and positive requirements** on perpetrators – such as contact with the victim (including online), requirements on perpetrator to attend perpetrator/drug/alcohol programs
- **Notification requirements** – requiring perpetrator to notify police of change to address/name
- **Breach of a DAPO will be a criminal offence**, carrying a maximum penalty of up to five years imprisonment, or a fine, or both. Breaches will also be able to be dealt with as a civil contempt of court.

Part 4: Statutory Duty on Local Authorities



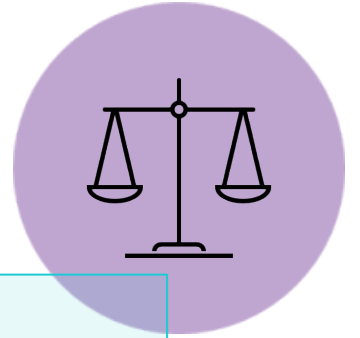
- **New duty on Tier one local authorities** to fund support for victims and their children in safe accommodation.
- A Tier 2 district, borough and city councils and London Boroughs required to co-operate with Tier 1 authorities.
- Definitions of '**relevant accommodation**' and '**domestic abuse support**'
- Requirements for local authorities to:
 - Create a **local partnership board**
 - **Assess need and demand** for accommodation-based support for all victims and their children
 - **Develop and publish strategies** for the provision of support
 - Give effect to strategies by making **commissioning** decisions.
 - **Monitor and evaluate** local delivery.
 - **Report back** to central Government.

(we discuss implications on LA's in slide 14)



daha

Part 5: Protection for victims and witnesses in court



Special measures:

Criminal courts: the Bill will provide that all domestic abuse victims are eligible for assistance when giving evidence in criminal proceedings (to mirror protections for victims of sexual violence). Will include giving evidence from behind a screen, in private, or via a live link.

Family courts: victims of domestic abuse will be automatically eligible for access to special measures.

Civil courts: victims or alleged victims of 'specified' offences (which will be set out in regulations) will be eligible for special measures in the civil courts – which are used for libel/small claims.

Cross Examination:

- Bill will automatically prohibit perpetrators or alleged perpetrators of abuse from directly cross-examining their victims in person in the family courts, and vice versa.
- Give such courts discretion to prevent cross-examination in person in other circumstances - where it would affect the quality of the witness' evidence or cause significant distress.

Part 6: Offences involving violent and abusive behaviour



Removing the 'rough sex' defence

R v Brown

"No death or other serious injury – whatever the circumstances – should be defended as 'rough sex gone wrong' which is why we are making it absolutely clear that this is never acceptable. Perpetrators of these crimes should be under no illusions – their actions will never be justifiable in any way, and they will be pursued rigorously through the courts to seek justice for victims and their families "

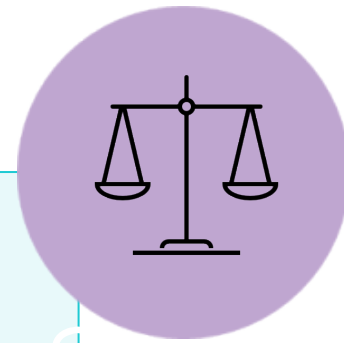
Justice Minister Alex Chalk

<https://www.gov.uk/government/publications/domestic-abuse-bill-2020-factsheets/consent-to-serious-harm-for-sexual-gratification-not-a-defence>

Enabling **extra-territorial jurisdiction** for VAWG offences

- measures in the Bill will mean the UK takes extra-territorial jurisdiction (ETJ) over VAWG offences - including coercive control, stalking, rape and sexual assault - in order to prosecute British nationals committing these crimes abroad.
- Will remove final hurdle before the UK government can ratify the Istanbul Convention.

Part 7: Miscellaneous & General



- **Polygraph testing for perpetrators**

Measures in the Bill will enable the National Probation Service (NPS) to pilot polygraph (lie detector) testing with high risk domestic abuse perpetrators, with the aim of monitoring compliance to their licence conditions after release.

- **Placing Clare's Law on a statutory footing**

Powers for the Home Secretary to issue statutory guidance to the police about the Domestic Violence Disclosure Scheme ("DVDS"), commonly referred to as "Clare's Law".

- **Guarantee that all survivors are in priority need**

Bill will give those who are eligible and are homeless as a result of fleeing domestic abuse "priority need" status for accommodation secured by the local authority under Part 7 of the Housing Act 1996 – removing requirements to prove vulnerability.

- **Secure lifetime tenancies for survivors forced to flee.**

The provisions will guarantee the transfer of a secure tenancy for survivors who need to leave their home, have recently left their home, or need to terminate a joint tenancy, in order to escape an abuser – where they have an existing lifetime tenancy.

Duties on Local Authorities



1. LA will automatically give Priority Status to victims of DA who will no longer have to prove their vulnerability (clause 71)
2. Based on available information, LA's will have a statutory duty to convene a Local Domestic Abuse Partnership Board.

This Board will have responsibility to:

- Assess the need and demand for accommodation-based support for all victims and their children, including those who require cross-border support.
- Undertake a needs assessment
- Develop and publish strategies for the provision of support to cover the locality and diverse groups of victims.
- Give effect to strategies by making commissioning / de-commissioning decisions
- Meet the support needs of victims and their children
- Monitor and evaluate local delivery
- Report back to central Government via annual reports

Implications for LA's



- **Minister of Housing, Communities and Local Government (MHCLG)** has taken the lead on defining domestic abuse (DA) safe accommodation and ensured that this includes commissioned specialist domestic abuse support as central to the model. DA safe accommodation can be provided in a range of settings, as long as it is not generic. Accommodation outside of specialist refuge will need to be self-contained.
- There is a long standing formula for 1 bed space for 10,000 population. This is a best practice and not statutory guide. **MHCLG re not intending to place a target number for units on areas.** However, the statutory needs assessment will highlight gaps in LA offers. The **pending burden funding** will only cover the support element.
- **The duty to provide specialist support for children in DA Safe accommodation will be in addition to the majority of current commissioned models.** This is because a large number of areas are working from the old Supporting People framework.
- **Children as victims in their own right may also have consequences** for some areas current response to child who are exposed to domestic abuse.
- **Existing housing practice will need reviewing** to ensure LA's are providing lifetime tenancies where applicable and granting priority need status for accommodation.
- Although the duty is restricted to DA accommodation, **LA's are expected to reference the Domestic Abuse National Statement of Expectation (NSE).** May have to report progress against LA's needs assessment and/or the NSE.

Early Implementation



MHCLG announced a 6 million capacity building funding, which has provided LA's with a £50,000 grant. The purpose of the funding is to help LA's resource, plan and prepare for implementation of their duty in regard to the provision of domestic abuse safe accommodation.

This money has been used in a variety of ways so far including:

- Additional time limited staff in LA's to work on implementation – including DA Coordinators
- Commissioning of an external consultancy to undertake an independent detailed needs assessment, including a mapping of accommodation demand, current resources and modelling of options
- Training
- DAHA Accreditation

What is Domestic Abuse Safe Accommodation?



- Refuge Accommodation
- Specialist safe accommodation
- Dispersed accommodation
- Sanctuary Schemes
- Move on and/or second stage accommodation
- Other forms of domestic abuse emergency accommodation
- Exempt Accommodation



What is safe accommodation support?



Domestic Abuse support can be directly provided within safe accommodation services and as outreach support to victims in other types of relevant accommodation, including their homes in the case of a sanctuary scheme

The government is clear that the introduction of this duty should not result in any negative impact on non-accommodation based local domestic abuse services.

It is expected that support in safe accommodation should sit alongside and complement the support that is already available to victims.

Missing from the DA Bill – some tabled amendments

- **Full & equal protection for migrant women** – expanding eligibility for the DDVC & DVR to all victims with insecure status – 6 months temporary leave to remain and access public funds - moved in H of L 15.3.21.
- **Reversing the presumption of contact** in the family courts where there are allegations of domestic abuse.
- **Banning local connection restrictions** for survivors when accessing housing – moved in H of L 15.3.21
- Paid employment leave for survivors and reforms to **universal credit, benefit cap & social security policies** that put survivor safety first.
- **Reform of joint tenancy law** to protect survivors (**DAHA & Women's Aid**) – not moved in H of L but going to consultation
- A **statutory defence** for those who were driven to offend because of abuse
- Criminalising **coercive control post separation**
- a comprehensive **perpetrator strategy for domestic abusers and stalkers including a requirement for serial stalkers to be put on the violent and sex offender register (Visor)** and subjected to monitoring and management through multi-agency public protection arrangements (Mappa) devised by police, councils and others – moved by the H of L 15.3.21

The National Housing Group



The DAHA Regional Groups:

NE
NW
Yorkshire
WM
EM
Eastern
SW
SE
London
Wales – soon!

Perpetrator Sub-Group



daha

Domestic Abuse Housing Alliance

**STANDING
TOGETHER**
against domestic abuse

Useful Links and Resources

In Search of Excellence© - <https://www.standingtogether.org.uk/blog-3/in-search-of-excellence>

A refreshed guide to effective domestic abuse partnership work – The Coordinated Community Response (CCR)

Whole Housing Toolkit - <https://www.dahalliance.org.uk/what-we-do/whole-housing-approach/whole-housing-toolkit/>

Move On Report (DAHA & Women's Aid) <https://www.womensaid.org.uk/wp-content/uploads/2021/01/Improving-the-move-on-pathway-for-survivors-in-refuge-services-a-recommendations-report.pdf>

Whole Housing Approach Evaluation - <https://mycouncil.oxford.gov.uk/documents/s59093/Appendix%202.pdf>

DAHA – An Interim Evaluation - https://eprints.whiterose.ac.uk/168944/6/DAHA_Interim_Evaluation_Report_2020_2.pdf

DAHA Regional Groups - <https://www.dahalliance.org.uk/get-involved/regional-groups/>

Contacts:

Sharon Crosby – DAHA Development Manager – Cambridgeshire – s.crosby@standingtogether.org.uk

Vickie Crompton – DASV Partnership Manager – Vickie.Crompton@cambridgeshire.gov.uk

daha_team@standingtogether.org.uk

www.dahalliance.org.uk

@DAHAlliance

