



Ministry of Housing,
Communities &
Local Government

Delivery of Support to Victims of Domestic Abuse, including Children, in Domestic Abuse Safe Accommodation Services

Statutory guidance for local authorities across England
Draft for consultation

Issued under the Domestic Abuse Act 2021

June 2021
Ministry of Housing, Communities and Local Government



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June 2021

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Introduction

This statutory guidance from the Ministry of Housing, Communities and Local Government (MHCLG) is for English local authorities on their functions pursuant to Part 4 of the 2021 Domestic Abuse Act ('the 2021 Act'). Local Authorities must have regard to this guidance when exercising their functions under this Part.

This duty is planned to come into force on **XX XXXX 2021** and, unless otherwise stated, applies with immediate effect.

This guidance has been developed in consultation with local authorities, expert domestic abuse organisations, the Domestic Abuse Commissioner and other government departments.

Review date

This guidance will be kept under review and updated when necessary. The Secretary of State for Housing, Communities and Local Government will consult before revising the guidance (excluding insubstantial revisions).

What legislation does this guidance refer to?

| Domestic Abuse Act |
|---------------------------------------|
| Part 4 of the Domestic Abuse Act 2021 |

Who is this guidance for?

This guidance is published under Part 4 Section 60 of the Domestic Abuse Act 2021, which places a duty on the Secretary of State to issue guidance relating to the exercise by local authorities in England of functions under the Part 4 of the Domestic Abuse Act 2021.

Local authorities should also ensure they meet existing statutory requirements including (but not limited to) those set out in:

- [Equality Act 2010](#);
- [Human Rights Act 1998](#);
- [Children's Act 2004](#);
- [Housing Act 1996](#),
- [Homelessness Act 2002](#) They should also consider their duties alongside the following guidance:
- [Improving access to social housing for victims of domestic abuse in refuges or other types of temporary accommodations: statutory guidance on social housing allocations for local authorities in England.](#)

- [Homelessness Code of Guidance](#)
- [Keeping Children Safe in Education: Statutory guidance for schools and colleges](#)
- [Working together to safeguard children: A guide to inter-agency working to safeguard and promote the welfare of children](#)
- Violence against women and girls: [national statement of expectations](#)

Main points

This guidance applies to local authority functions relating to the provision of support for all victims of domestic abuse and their children, regardless of their relevant protected characteristics, within 'relevant' accommodation (as defined by [Regulations]).

It supports the new duty on relevant local authorities with the aim of ensuring all victims of domestic abuse have access to the right support within safe accommodation when they need it. It sets out operation of Part 4 of the Domestic Abuse Act to be delivered by local authorities, and what they should do to fulfil their statutory responsibilities and provides further clarity on how the new duty should be delivered on the ground.

Devolved Administrations

The provisions for this duty included under the Domestic Abuse Act 2021 apply to England only.

Under the respective devolution settlements for Wales, Scotland and Northern Ireland, responsibility for the policy and legislative response to providing support in safe accommodation for domestic abuse victims rests with the respective devolved administrations.

Background

The Government has been clear that having the right support to protect and assist all victims of domestic abuse will make individuals and families safe, sooner.

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.

Following extensive engagement and public consultation, Sections 57-61 of the Domestic Abuse Act 2021 underpinned by this guidance introduce new requirements on local authorities and more accountability in the local delivery of domestic abuse support in safe accommodation.

Part A: Key definitions

Section A1: Domestic Abuse

Government consulted in March 2018 on a new statutory definition of domestic abuse to ensure that it is properly understood, considered unacceptable and actively challenged across statutory agencies and in public attitudes. The proposed definition expanded on the existing Government non-statutory definition by including the concept of economic abuse rather than simply financial abuse.

A1.1 Domestic abuse is defined in section 1 of the Domestic Abuse Act 2021, and when referenced throughout the guidance should be interpreted as such. As set out in the Act, Domestic Abuse is defined as:

- (1) 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.

- (2) 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.

- (3) “Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to
- a. Acquire, use, or maintain money or other property, or
 - b. Obtain goods or services.
- (4) For the purposes of this Part A’s behaviour may be behaviour “towards” B despite the fact that it consists of conduct directed at another person (for example, B’s child).
- (5) References in this Part to being abusive towards another person are to be read in accordance with this section.

A1.X Personally Connected is defined in section 2 of the Domestic Abuse Act 2021 as:

- (1) For the purposes of this Part, two people are “personally connected” to each other if any of the following applies—
 - a. they are, or have been, married to each other.
 - b. they are, or have been, civil partners of each other.
 - c. they have agreed to marry one another (whether or not the agreement has been terminated).
 - d. they have entered into a civil partnership agreement (whether or not the agreement has been terminated).
 - e. they are, or have been, in an intimate personal relationship with each other.
 - f. they each have, or there has been a time when they each have had, a parental relationship in relation to the same child (see subsection (2)); they are relatives.

- (2) For the purposes of subsection (1)(f) a person has a parental relationship in relation to a child if—
 - a. the person is a parent of the child, or
 - b. the person has, or has had, parental responsibility for the child.

- (3) In this section—

“child” means a person under the age of 18 years.

“civil partnership agreement” has the meaning given by section 73 of the Civil Partnership Act 2004.

“parental responsibility” has the same meaning as in the Children Act 1989 (see section 3 of that Act).

“relative” has the meaning given by section 63(1) of the Family Law Act 1996.

Section A2: The Duty

Part 4 of the Act 2021 details a duty on Tier One local authorities to assess the need for support and prepare strategies to provide support for victims [who reside] in relevant accommodation [also referred to as safe accommodation throughout this guidance]. This has put in place a new statutory framework, providing clarity over governance and accountability. The Act:

- I. Places a duty on each Tier One local authority in England to:
 - I. Appoint a multi-agency Domestic Abuse Local Partnership Board which it must consult as it performs certain specified functions (below).
 - II. Assess, or make arrangements for the assessment of, the need for accommodation-based domestic abuse support in their area for all

victims (and their children) who reside in relevant safe accommodation, including those who come from outside of their area.

- III. Prepare and publish a strategy for the provision of such support to cover their area having regard to the needs assessment.
 - IV. Give effect to the strategy (through commissioning / de-commissioning decisions).
 - V. Monitor and evaluate the effectiveness of the strategy.
 - VI. Report back annually to central government.
- II. Requires the Secretary of State to issue statutory guidance, having consulted the Domestic Abuse Commissioner, local authorities and such other persons as considered appropriate.
 - III. Requires all local authorities in England to have regard to the statutory guidance in exercising their functions under Part 4.
 - IV. Requires tier two councils to co-operate with the Tier One authority, so far as is reasonably practicable.

This duty is separate to local authority housing duties under the Housing Act 1996 and Homelessness Act 2002 and does not place a requirement on authorities to provide domestic abuse victims with accommodation.

However, local authorities must still comply with their duties under homelessness law in line with the Chapter 8 of the Homelessness code of guidance for local authorities¹

Section A3: Safe Accommodation

While we acknowledge the critical role of refuge in providing safety and support, particularly to those victims at high risk of serious harm, government recognises that victims and their children may need to live in a variety of different forms of safe accommodation.

A3.X Accommodation such as Bed and Breakfast accommodation are not considered relevant safe accommodation, and are specifically excluded in the Regulations, so local authorities should not commission support within these types under this duty.

A3.X Commissioning authorities will need to ensure that duties covered under other Acts, such as temporary accommodation provided under Part 7 of the Housing Act 1996, continue to be met alongside this duty. It is possible for support under this (Part 4) duty to be provided in accommodation associated with another duty such as a Housing Act 1996 Part 7 duty, provided, such accommodation adheres to the description of relevant accommodation. Description of 'relevant accommodation' [also referred to as 'safe accommodation' throughout this guidance] is specified by the Secretary of State in regulations as:

¹ <https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-8-priority-need>

- **Refuge accommodation** – a refuge offers accommodation and intensive support which is tied to that accommodation. Victims, including their children, have to be refuge residents to access expert emotional and practical support.
- **Specialist safe accommodation**– safe accommodation specialist refuges for BAME, LGBTQ+, and disabled victims and their children [not limited to – see section B5] which may provide single gender accommodation with dedicated specialist support to victims who share a protected characteristic(s) – including services that are led by those that also share the protected characteristic (also known as ‘by and for’) - and/or have complex needs.
- **Dispersed accommodation:**
 - i. Safe (secure and dedicated to supporting victims of domestic abuse), self-contained accommodation with the same level of specialist domestic abuse support as provided within a refuge but which may be more suitable for victims who are unable to stay in a refuge with communal spaces due to complex support needs or for families with teenage sons for example.
 - ii. Safe (secure and dedicated to supporting victims of domestic abuse), self-contained ‘semi-independent’ accommodation which is not within a refuge but with support for victims who may not require the intensive support offered through refuge, but are still at risk of abuse from their perpetrator/s.
- **Sanctuary Schemes** – properties with local authority installed Sanctuary Schemes or other similar schemes which provide enhanced physical security measures within a home. A Sanctuary Scheme is a survivor centred initiative which aims to make it possible for victims of domestic abuse to remain in their own homes, where it is safe for them to do so, where it is their choice, and where the perpetrator does not live in the accommodation. This is done by providing additional security – ‘installing a sanctuary’ – to the victims’ property or perimeter.

A number of local authorities run Sanctuary Schemes, working in partnership with the police to implement the scheme and any organisation working with an individual they deem suitable for sanctuary measures can make a referral to the scheme.
- **Move-on and / or second stage accommodation** - interchangeable terms for projects temporarily accommodating victims, including families who no longer need the intensive level of support provided in a refuge, but would still benefit from a lower level of domestic abuse specific support for a period before they move to fully independent and permanent accommodation. There is no expectation that every victim will require this. Many victims are ready to move straight to a permanent new home from refuge. However, move-on and / or second stage accommodation may be helpful in some cases.

Other forms of domestic abuse emergency accommodation – i.e. a safe place with appropriate support. To give victims an opportunity to spend a temporary period of time to [consider and] make decisions in an environment which is self-contained and safe. This would include access to wrap around support and specialist support for victims with complex needs (including mental health needs and substance misuse). An example of ‘other’ forms of safe accommodation would be the ‘Whole Housing Approach²’.

A3.X Local Authorities must adhere to the Regulations and the above description of accommodation when fulfilling their duty. All support provided under their duty must be provided to victims of domestic abuse, or their children, who reside in relevant accommodation as set out above and should meet the MHCLG Quality Standards (See Annex B), Women’s Aid National Quality Standards and / or Imkaan Accredited Quality Standards.

Section A4: Support

Domestic abuse support includes the expert help provided to all victims and their children by the specialist staff in domestic abuse support services. We recognise that some support is directly provided within refuges and safe accommodation services, and that outreach support will be provided to victims in other types of relevant accommodation, including their homes in the case of a sanctuary scheme.

The support should be delivered by knowledgeable and/or experienced specialist providers, charities, and other voluntary organisations whose purpose is to provide support to victims of domestic abuse.

A4.X This guidance describes domestic abuse support within relevant accommodation as:

- **Overall management of services within relevant accommodation** – including, the management of staff, payroll, financial and day to day management of services and maintaining relationships with the local authority (such functions will often be undertaken by a service manager)
- **Support with the day-to-day running of the service**, for example scheduling times for counselling sessions, group activities (such functions may often be undertaken by administrative or office staff)
- **Advocacy support** – development of personal safety plans, liaison with other services (for example, GPs and social workers, welfare benefit providers).
- **Domestic abuse prevention advice** – support to assist victims to recognise the signs of abusive relationships, to help them remain safe (including online), and to prevent re-victimisation.
- **Specialist support for victims**

² The Whole Housing Approach (WHA) endeavours to improve the housing options and outcomes for people experiencing domestic abuse so that they can achieve stable housing, live safely, and overcome the abuse and its harmful impacts.

- **Designed specifically for victims with relevant protected characteristics** (including ‘by and for’), such as faith services, translators and interpreters, immigration advice, interpreters for victims identifying as deaf and / or hard of hearing, and dedicated support for LGBTQ+ victims [not limited to].
- **Designed specifically for victims with additional and / or complex needs** such as, mental health advice and support, drug and alcohol advice and support [not limited to], including sign posting accordingly.
- **Children’s support** – including play therapy and child advocacy.
- **Housing-related support** – providing housing-related advice and support, for example, securing a permanent home, rights to existing accommodation and advice on how to live safely and independently.
- **Advice service – including** financial and legal support, including accessing benefits, support into work and establishing independent financial arrangements; and, **Counselling and therapy** (including group support) for both adults and children, including emotional support.

A4.X Authorities must ensure that support commissioned under this duty is provided to victims of domestic abuse, including their children, who reside in relevant accommodation as described in section (section A3.1) of this guidance.

Part B: Local delivery of support within Safe Accommodation

Section B1: Local Partnership Boards

We recognise the importance of multi-agency working in responding to the needs of victims of domestic abuse within safe accommodation. Stakeholder feedback highlighted the value of close relationships between local authorities and a variety of agencies, most notably Police and Crime Commissioners and specialist domestic abuse services.

B1.1 Tier One authorities **must** appoint a Local Partnership Board (Board) consisting of key partners with an interest in tackling domestic abuse and supporting victims, including their children.

B1.X As set out in Part 4, Section 58 of the Act, members of the Board **must** include:

- (a) a representative of the Tier One authority.**
- (b) at least one representative appearing to represent the interests of Tier Two authorities within the Tier One authority area.**

B1.X In some areas, it may not be practical or appropriate for all Tier Two authorities to attend Boards. We expect that in these circumstances, at least one nominated Tier Two authority represent the views of all the Tier Two authorities in an area covered by the Board.

B1.X In larger areas such as London, more than one Tier Two authority may need to sit on the Board to fully ensure all views are adequately represented.

B1.X Structures for ensuring sufficient representation of Tier Two authority interests on the Board is for local areas to decide. Consideration should be given to the different responsibilities of the Tier Two areas to ensure adequate representation, e.g. ensuring both housing and community safety knowledge and experience is represented.

(c) at least one person appearing to the authority to represent the interests of victims of domestic abuse.

B1.X Tier One authorities should ensure the Board adequately considers and factors in the voice of victims and service users when making local decisions. Consideration should be taken as to the appropriateness of how this is approached. Local authorities may wish to have direct representation from a victim on the Board or alternatively through a separate dedicated forum specific to hearing the voices and views of victims, a representative of which can sit on the Board.

B1.X In doing so, Tier One authorities should ensure that the representative(s) are appropriate in ensuring the voices of victims with a range of relevant protected characteristics and needs are heard.

(d) at least one person appearing to the authority to represent the interests of children of domestic abuse victims.

B1.X All Boards must include relevant representation from services and / or organisations that support the needs of children, ensuring the unique needs of children of domestic abuse victims are adequately considered and addressed.

(e) at least one person appearing to the authority to represent the interests of charities and other voluntary organisations that work with victims of domestic abuse in its area.

B1.X Representation of local domestic abuse services must be included in the Board. Tier One authorities should work closely with local domestic abuse services, in particular drawing on their expertise and experience of supporting victims, including children, to further understand the varying needs and necessary steps needed to address them. There is an expectation that Tier One authorities will reach out to multiple charities/organisations so that there is good representation on the Board.

B1.X Representation of such services should adequately reflect the needs of those affected by domestic abuse in the local area, including ensuring the views of specialist domestic abuse organisations working with or providing dedicated support

to victims with relevant protected characteristics and additional or complex needs are heard.

B1.X Where it is not possible to have direct representation from services providing specialist and dedicated support to victims with relevant protected characteristics or additional/complex needs – for example due to such services serving a national need across multiple local authority areas with limited capacity - Tier One authorities should consider alternative methods to ensuring the needs of these victims are appropriately captured. This could include undergoing training by such services to increase the Boards level of understanding or working closely with other Tier One Boards that has representation of these services.

(f) at least one person appearing to the authority to represent the interests of persons who provide, or have functions relating to, health care services in its area.

(g) at least one person appearing to the authority to represent the interests of persons with functions relating to policing or criminal justice in its area.

B1.X To ensure join up of services at a local level, Tier One authorities should consider how best to work with local healthcare and policing and criminal justice services. This includes ensuring appropriate representatives from such services are on the Board. Representatives could include individuals representing the interests of local Clinical Commissioning Groups (CCGs) or Police and Crime Commissioners (PCCs).

B1.X The Board representation listed above is the minimum and it is expected that Tier One authorities would wish to include a wider representation to support their local approach to tackling domestic abuse, to include charities and voluntary organisations who offer specialist support to victims of domestic abuse and their children. Membership should reflect the specific needs of a local area, for example, in an area with high BAME population or high population of military service personnel, membership could include representation by relevant service welfare representatives.

B1.X Tier One Authorities should also consider including housing representatives as well as representation from similar or connected boards such as Community Safety Partnerships and Homelessness Reduction Boards.

B1.X Tier One authorities should set out a Terms of Reference (ToR) for the Board. The ToR should make clear how and why representatives were selected, and the process which bodies can go through to express their interest in becoming a member of the Board. An example Terms of Reference can be found at Annex A.

B1.X Where similar Boards or structures are already established; Tier One authorities should decide whether they are already the best approach to meeting the requirements of the duty locally. We do not expect local authorities to make changes if existing structures can adequately meet their duties set out in Part 4 of the Domestic Abuse Act, regulations and further set out in this guidance.

B1.X Where authorities opt to use existing structures to deliver this duty, they should undertake a review of the existing associated strategies, needs assessments and commissioning policies. Where appropriate or necessary, these should then be revised in light of the new requirements as soon as possible.

B1.X The Local Partnership Board will provide advice to the Tier One authority about the provision of other local authority support in the authority's areas.

B1.X Tier One authorities are expected to work collaboratively with, at a minimum, neighbouring local authorities by for example, sharing local data and service information. Tier One authorities may wish to work in close partnership and join up to cover more than one local authority area, including working as a regional cluster or across the country.

B1.X Where Tier One authorities choose to join up, they must ensure the Board adheres to the relevant requirements set out above (Section B1 bullets a-g) – all Tier One areas covered under the joint arrangement must be represented.

B1.X Boards should convene, at a minimum, quarterly to undertake the relevant steps as set out in the local Terms of Reference.

B1. X As set out under Part 4, of the Act Boards should support Tier One authorities by providing advice on the exercise of the following functions:

- **Assessing the scale and nature of the needs** for support within relevant accommodation as described in Regulations for all victims and their children, including those that require highly specialist and those that come from out of area (*see Section B2*)
- **Preparing and publishing a whole-area domestic abuse strategy** setting out the steps needed to meet the needs of diverse victims and their children, joining up strategies across local areas where appropriate (*see Section B3*).
- **Giving effect to the strategy by making commissioning and decommissioning** decisions of support within relevant accommodation at a local level (*see Section B4*).
- **Monitoring and evaluating** the effectiveness of the strategy, including local delivery of support within domestic abuse relevant accommodation (*see Section C1*).
- **Report on progress** and how funding has been used to MHCLG (*see Section C2*).

B1.X Tier two authorities **must**, so far as reasonably practicable, comply with a request to cooperate with Tier One authorities in exercising their functions under Part 4. This should include (but is not limited to):

- I. Providing advice, guidance, and knowledge on the local area to support in the completion of a local needs assessment.
- II. Contribute to the development of a local strategy based on the needs assessments.
- III. Work in line with the agreed and published local strategy, particularly where commissioning responsibility has been delegated to Tier Two authorities.

- IV. Passing on relevant data to Tier One authorities for monitoring, evaluation and reporting purposes.

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Section B2: Local Needs Assessments

MHCLG have developed a standardised form to support authorities in undertaking a local needs assessment. This will create consistency across the country and better ensure authorities are considering the needs of all victims in their area. The standardised needs assessment form and associated guidance will be published alongside this guidance.

B2.X Tier One authorities, with support from their Boards, **must** conduct a local needs assessment to determine the level of need for support within safe accommodation in their area.

B2.X Needs assessments are an important precursor to developing local strategies. A full local needs assessment should be conducted at a minimum every 3 years, with a refresh being undertaken on an annual basis to ensure any change in demand or support requirements are adequately captured.

B2.X Tier One authorities, in consultation with the Board, should take steps to understand the barriers that prevent victims with diverse needs from accessing support within safe accommodation, including those who share relevant protected characteristics³. This also includes taking into consideration, but is not limited to, household composition, nationality and the varying levels of support needs and risk.

B2.X Local needs assessments should take into account the need for support and services for all victims regardless of protected characteristics within the area and for those whose original residence was located out of area. In doing so the assessment should also consider the number and needs level of victims who need to flee the local authority area to access safe accommodation within a different area, and how Tier One authorities are working with their neighbouring local authorities to take account of the needs of victims from outside of the local area.

B2.X In undertaking the local needs assessment, Tier One authorities should use the expertise and knowledge of local and national specialist services to support in identifying and understanding the level and types of needs, including the needs of children, disabled victims, victims from minority ethnic or faith communities, and those from the Gypsy Roma and Traveller community [not limited to]. As well as listening to the voices of victims.

B2.X Where possible, the Board should ensure personal data of victims does not form part of the local needs assessments. Where data that could risk identifying a victim and/ or a member of their family is collected, the Board must set out clearly how the data is intended to be used. Local authorities must comply with data protection laws⁴.

B2.X Where authorities currently assess the needs for support within safe accommodation alongside need for wider domestic abuse and / or VAWG services,

³ <https://www.legislation.gov.uk/ukpga/2010/15/section/4>

⁴ <https://www.gov.uk/data-protection>

we would encourage authorities to continue this approach, ensuring the elements set out in the form and associated guidance is adequately captured.

B5.X Tier One authorities, utilising the expertise and knowledge of the Board members, must take steps to understand the barriers that prevent victims with certain relevant protected characteristics and/ or multiple complex needs from accessing and using support within relevant safe accommodation.

Section B3: Strategies

B3.X Tier One authorities **must** prepare and publish a local strategy based on a robust needs assessment, the first of which should be published by 31 October 2021 as set out in regulations. Thereafter, Strategies must be reviewed every three years.

B3.X Strategies do not need to follow a specific format; however, Tier One authorities should ensure the strategy clearly sets out its overall and holistic approach to deliver a rounded offer of support to victims in safe accommodation. This includes detailing plans and approaches working across Tier One and Two with partners, including other services within the authority, specialist domestic abuse providers, PCCs, housing and health bodies (not limited to). It should also set out:

Needs Identified

- The support needs identified as part of the local Needs Assessment, with a clear breakdown of the differing needs of victim groups such as, but not limited to, those from BAME backgrounds or who identify as LGBTQ+ [for a fuller list see section B5].
- The current available provision of support for victims in the local authority area, highlighting any gaps identified.

Addressing the Needs

- The steps that will be taken to ensure the needs identified are adequately addressed. Tier One authorities should make clear how they plan on making available support services that meet the needs of all victims who share protected characteristic(s) under the Equality Act 2010 or who share a vulnerability requiring additional support.
- This must include how they will address the barriers faced by victims with relevant protected characteristics and / or multiple complex needs, such as those listed under Section B5.
- How the support needs of children within safe accommodation will be adequately met.
- The level of funding being committed to deliver on the areas set out in the strategy.

B5.X Tier One authorities, in giving effect to their strategies, should have in place an approach to meeting the needs of victims and victims coming from outside of their local area. Local authorities should work collaboratively with other local authorities to put in place support which allows victims easy movement from one area to another whilst ensuring their safety.

B3.X Services not restricted by the victim's locality (in line with guidance on the disapplication of local connection for domestic abuse victims set out in the Statutory guidance on social housing allocations for local authorities in England⁵). This could include accepting referrals nationally via the National Domestic Abuse Helpline as well as putting in place agreements with neighbouring authorities.

B3.X As well as setting out how the LA, in consultation with the Board, aims to address the needs identified from the local needs assessment, strategies should also clearly set out how authorities plan to spread awareness of Domestic Abuse and the support available to victims.

B3.X Strategies should, as far as possible, be linked to and / or joined-up with other relevant local authority functions, such as (but not limited to): Violence Against Women and Girls, Modern Slavery, Community Safety, Victims Strategy, Housing and Homelessness Reduction, Safeguarding and Supporting Families.

B3.X Tier one authorities must keep under review any effect of their strategy on the provision of other local authority domestic abuse support in its area.

B3.X Tier One authorities must consult with the Board, Tier Two authorities within the area and such other persons as they consider appropriate, before publishing their strategy.

B3.X Tier One authorities must also consult with those set out above on revised versions of the strategy before publishing.

B3.X The mechanism for which Tier One authorities choose to consult with should be made clear and include an up to date version of the strategy as well as adequate time for organisations to review and feedback – the timeframe of which should be clearly set out.

B3.X Tier One authorities should set out a clear process which organisations and individuals can use to raise concerns in regard to the local strategy and the authorities' approach in addressing the needs identified.

Section B4: Giving Effect to Strategies

B4.X Tier One authorities should ensure support is commissioned (directly and / or through de-commissioning) in safe accommodation to meet the needs of victims and their children in line with their local strategy as soon as reasonably practicable and in line with local authority procurement rules and commissioning cycles.

B4.X This should be done in partnership with the Board and in partnership with relevant Tier Two Authorities.

B4.X In commissioning services, authorities must ensure they adhere to sections A2 and A3 of this guidance.

⁵https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/753667/Improving_access_to_social_housing_for_victims_of_domestic_abuse.pdf

B4.X Local Authorities must ensure that no commissioned services under the duty include locality restrictions, and that victims are not turned away from accessing support commissioned under this duty on this basis due to where they originally resided

B4.X We expect all services commissioned to be gender-informed by acknowledging that domestic abuse is both a cause and consequence of gender inequality. Services must adhere to the law under the Equality Act for single sex provisions.⁶ This includes services being aware of how best to offer support to transgender victims who may seek support, and being aware of services that they might refer a transgender victim onto if they are not able to offer provision.

B4.X The services and support commissioned must reflect the particular needs of all victims in the area. For example, there must be adequate and appropriate support within the area to support victims with particular protected characteristics and needs such as disabled victims, those from a BAME background, those who identify as LGBTQ+ and male victims [not limited to].

B4.X Tailored support is vital to ensuring victims receive the right and appropriate types of support. Commissioning authorities should recognise that only making a 'one size fits all' provision available across the authority is unlikely to be the right approach.

B4.X Where authorities believe [based on the local needs assessment] there to be a low level of demand for particular specialist support for victims with specific or complex needs, they should clearly detail within their strategies how they will ensure appropriate support is available should a victim present with these needs in their area.

B4.X This could include working collaboratively with neighbouring authorities to agree a joint approach, for example by pooling funding to commission support services which covers a wider geographic print than a standalone Tier One authority area.

B4.X Commissioning authorities should ensure that the process for commissioning does not exclude smaller voluntary organisations, including those that are run 'by and for' groups with particular characteristics such as victims from BAME backgrounds, those identifying as LGBTQ+ or disabled victims [not limited to].

B4.X When commissioning services, authorities should consider how best to involve the Local Partnership Board, taking into consideration that some Board members may have a conflict of interest. It is advised that domestic abuse safe accommodation service providers should not be involved with local commissioning decisions in relation to this duty.

B4.X Where possible, commissioning should be conducted on a long-term basis to encourage consistency and security for victims and their children. Unless there is

⁶ <https://www.legislation.gov.uk/ukpga/2010/15/contents>

good reason not to, commissioning should at a minimum reflect the period covered under the local strategy (3 years).

B4.X Where it has been agreed to delegate commissioning decisions to tier two authorities, Tier One authorities must ensure adequate funding to fulfil these decisions is passed down.

B4.X Tier One authorities and Board members should consider the potential to pool funds wherever possible to enable efficient commissioning of domestic abuse support services which deliver value for money. This includes pooling funds and commissioning services across multiple Tier One areas.

B4.X In commissioning support services under this duty, Tier One authorities must ensure that services are provided in accommodation that comes within the definition of relevant accommodation as described [see section A3] and should ensure delivery of support within these meet agreed and recognised quality standards. Including MHCLG's Quality Standards, the Women's Aid National Quality Standards and Imkaan Accredited Quality Standards.

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Section B5: Supporting all victims and their children

B5.X Victims and their children with relevant protected characteristics as per the Equality Act 2010 must be able to access the support that they need. Under this duty, we expect authorities to ensure the appropriate and adequate support within safe accommodation that meet the needs of all victims including those with relevant protected characteristics, additional and / or multiple complex needs and who's support needs may not be able to be met within non-specialist domestic abuse safe accommodation, such as victims who identify as:

- Black Asian and Minority Ethnic [Including Gypsy Roma and Traveller, with consideration to the Women and Equalities Committee report⁷]
- Lesbian, Gay, Bisexual and / or Transgender
- Disabled – including but not limited to, deaf or hard of hearing, visually impaired, Autistic, wheelchair users and those with learning difficulties
- Male
- Young (aged 16-18 – including care leavers) and older victims (over 65)
- People with an offending history
- Those presenting with complex needs including those with mental health and/or substance misuse needs
- Those facing multiple forms of abuse within the family such as honour-based violence and forced marriage
- Religious and/or spiritual, particularly if facing barriers as a result
- Having insecure immigration status
- From isolated and/or marginalised communities, including where there is limited English proficiency.
- Victims who have no choice but to move away from their local areas, communities, and friends to escape their perpetrator to stay safe and receive the support they need.
- Children of victims (including adolescent male children) within safe accommodation.
- Victims with children, including large families and those with older adolescence boys (12+)
- Pregnant victims

B5.X Commissioning authorities should consider the needs and specific barriers of victims that may fall into more than one protected characteristic and / or additional and complex needs.

B5.X Local authorities should also consider their Public Sector Equality Duty under the Equality Act 2010 and must have due regard to the need to:

⁷ <https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/360/full-report.html>

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

B5.X As set out at B3.X, Tier One authorities should also clearly set out in their strategies an agreed approach to addressing the barriers identified to ensure all victims are able to access the support they need when they need it.

B5.X Tier One authorities should ensure support services are provided in locations and ways which are accessible to all victims and their children. This should reflect needs identified as part of the needs assessment and can include, but is not limited to, having in place translation services, British Sign Language interpreters and wheelchair access.

B5.X Where gaps in such support has been identified, commissioning authorities should explore the use of training for services already commissioned to ensure needs are being adequately met. For example, by offering training to support staff within the area to build confidence in supporting victims with particular needs, such as those who do not speak English as their first language.

Part C: Reporting and National Oversight

MHCLG has developed a standardised reporting form for Tier One authorities to report back to government on steps taken in meeting the duty. A standardised approach will create consistency in the type and level of data collected at both local and national level.

Section C1: Monitoring and Evaluating

C1.X Tier One authorities, should have a clear approach to monitoring and evaluating local delivery against approaches set out within their local strategies.

C1.X In doing so, authorities should review how local decisions and actions have impacted the needs assessments and victims' journeys within their area. For example, how have barriers identified as part as the Needs Assessment been addressed?

C1.X Local monitoring and evaluation should include the collection and analysis of both quantitative and qualitative data. Tier One authorities should ensure that the outcomes of victims accessing support are considered in their evaluation, to ensure the support made available adequately meets the level and nature of need within the area.

C1.X Tier One authorities should also continue to capture whether victims are unable to access the support they need, including the reasons behind this, and the planned steps in addressing these barriers.

C1.X Evaluations should be undertaken on an annual basis in line with reporting requirements set out below.

C1.X It is expected that Tier One authorities will also publish their evaluation and monitoring approaches and outcomes.

Section C2: Reporting

C2.X Tier One authorities must report back to MHCLG on their functions in Part 4 in line with the standardised reporting format as laid out in the Regulations made under section 59(2) of the Domestic Abuse Act 2021.

C3.X Tier One authorities will need to complete and submit an annual report as soon as reasonably practicable after the end of each financial year to the Secretary of State. MHCLG would expect this to be within 3 months following the end of the financial year and therefore expect reports to be submitted by June.

The information provided as part of these reports will need to demonstrate how local authorities have executed the functions required under the duty. Data and information to be collected includes:

- a. **Whether a Local Partnership Board has been established**, setting out the members of the Board and how often they convene.
- b. **Evidence that adequate needs assessments have been undertaken** by detailing when and how they undertook the assessment as well as providing a clear breakdown of the needs identified within the local area.
- c. **Evidence that local strategies are in place and working effectively.** Tier One authorities will need to demonstrate that strategies were published on time and detail how the approaches set out has supported victims accessing services within their area.
- d. **Evidence that local commissioning decisions have been informed by local needs assessments and strategies.** In doing so Tier One authorities will need to provide data to demonstrate that the number and type of commissioned support services reflect identified needs.
- e. **A clear breakdown of how allocated funding has been spent against the delivery approaches set out in local strategies and demonstrates value for money.**

C3.X Where appropriate, tier two authorities should cooperate with Tier One authorities in the completion of the reporting template.

C3.X Tier One authorities must review and report any effect of its strategy on the provision of other local authority support in its area.

Section C4: Oversight and National Expert Steering Group

Tier One authorities will be accountable in the delivery of the duty to MHCLG. MHCLG has committed to establishing a Ministerial led National Expert Steering Group to monitor the delivery of the new duty across the country.

C4.X MHCLG will develop and publish a Terms of Reference to make clear the role and remit of the Group. This will include setting out the desired delivery outcomes, as well as expectations on which bodies will form the Group's core members, representing, Police and Crime Commissioners, Local Government Association, NHS Clinical Commissioners, Housing and Specialist Domestic Abuse Providers, to ensure the right level of knowledge and expertise is in place.

C4.X The Domestic Abuse Commissioner (DAC)⁸ will form part of the Group and where appropriate, other departmental ministers will also attend to ensure join up and cross government working.

C4.X MHCLG will use the data provided by local authorities as part of their reporting requirements, to monitor the progress of delivery of this new duty.

C4.X MHCLG will also use the information provided to form an accurate picture of how the duty is being delivered on the ground as well as to identify areas of best practice and common areas of challenge. A summarised report will be submitted to the National Expert Steering Group for review.

C4.X The ministerial led National Expert Steering Group will aim to meet at a minimum twice a year and will discuss progress of the delivery of domestic abuse support services within safe accommodation, drawing upon and reviewing evidence Tier authorities reported to MHCLG.

C4.X The group will specifically consider as a standing agenda item, whether the support needs for all victims in safe accommodation are being met.

C4.X A report summarising progress across the country will also be published.

⁸ <https://www.gov.uk/government/publications/domestic-abuse-bill-2020-factsheets/domestic-abuse-commissioner-factsheet>

Annex A – Recommended Terms of Reference for Local Domestic Abuse Partnership Boards

Purpose and Role

The Local Domestic Abuse Partnership Board is a partnership group responsible for supporting [Enter Local Authority] in meeting its duty under Part 4 of the Domestic Abuse Act.

The Board will work together to support, advise, and work in partnership with [Enter Local Authority] to ensure victims of domestic abuse have access to adequate and appropriate support within safe accommodation services.

The Board will work together to improve outcomes for victims of domestic abuse, including their children, through a strategic approach to identifying and addressing gaps in support within safe accommodation services.

Frequency

The Board will meet on a [insert frequency] (minimum is expected to be quarterly) basis.

Membership

The Board is made up of a number of responsible bodies and agencies that by law, must be represented.

[Name and role of Tier One authority representative/s]

[Name and role of Tier Two authority/ies representative/s]

[Name and role of representatives of victims of domestic abuse]

[Name and role of representative/s of children of domestic abuse]

[Name and role of representative/s for charities and other voluntary organisations that work with victims of domestic abuse in the area]

[Name and role of representative/s for health care services]

[Name and role of representative/s for housing services]

[Add additional representatives as local authority sees fit]

The Board will be chaired by [Insert name and role]

Vice Chair of the Board will be [Insert name and role]

Members of the Board are responsible for ensuring they report back and feed into the Board on behalf of their represented group / body.

Roles and Responsibilities

The Board will:

- Provide advice and data to support [Enter Local Authority] to undertake a robust local needs assessment to identify and understand the needs of domestic abuse victims within their area (including those that present from out of area).

- Provide expert advice and data to support the development of a local strategy, agreeing the appropriate steps needed to meet the needs identified.
- Support *[Enter Local Authority]* to effectively engage with domestic abuse victims and expert services in understanding the range and complexity of needs.
- Support *[Enter Local Authority]* to make commissioning and decommissioning decisions (where appropriate). This can include when and how commissioning is undertaken to ensure the best and most appropriate services are made available for victims.
- *[Members will]* support in ensuring join up across other related areas such as housing, health, early years and childhood support, social services and police and crime services *[not limited to]*
- Advise and support in dealing with issues raised and identified from engagement through formal and informal routes.
- Provide advice *[enter local authority]* about the provision of other local authority domestic abuse support.
- Escalate issues to the relevant representative / body
- *[Enter other responsibilities agreed on by Board member]*

Agendas

Members will be able to put forward suggested agenda items for consideration. The secretariat will circulate final agendas *[XX days/ weeks]* ahead of meetings.

Standing agenda items will include:

- *[insert agreed standard agenda item]*
- *[insert agreed standard agenda item]*
- *[insert agreed standard agenda item]*

Absence

Where members are unable to attend a meeting, they are responsible for informing the Board ahead of the meeting and, as far as possible, should ensure a representative is present on behalf of the organisation / body.

Reporting

The chair / Board will report back to *[enter details of internal governance and reporting, including reporting frequency]*

The Board will support *[Enter Local Authority]* in reporting back to MHCLG on delivering the duty in line with statutory guidance and the standardised reporting form.

Annex B – MHCLG Quality Standards

1. Safety, Security and Dignity

- Victims can access crisis support at any time and receive a timely response.
- Victims are assessed and offered trauma informed services on the basis of their individual need for safety and support.
- Measures in place to ensure service users are safe from being found by their perpetrator.
- Physical buildings to be well maintained and meet the relevant building standards.
- Victims should not be forced to stay in danger but assisted to move geographical location if necessary, for their safety including supporting them through referral processes to do so.
- Consideration should be given to single gendered and LGBTQ+ provision.
- Victims' duration of support to be based on needs and not pre-set timescales.

2. Rights and Access

- Service users are believed and listened to and service interventions are respectful of their rights to self-determination.
- Service users with protected characteristics under the Equality Act 2010 can access dedicated specialist services addressing their needs.
- Resources are allocated to addressing barriers to access, including supporting service users with limited English proficiency, and having insecure immigration status.

3. Health and Wellbeing – trauma informed

- Service users are supported to access services that meet their physical, mental, and sexual health needs.
- Service users can access individual counselling or group work to build their confidence and resources.
- The organisation should work in partnership with and have appropriate referral pathways to a range of other services including the sexual violence sector, drugs, alcohol/mental health services.
- The safety and wellbeing of staff teams is attended to ensuring safe working practices that protect the physical safety and mental wellbeing of staff.

4. Stability, resilience, and autonomy

- Service users are supported to take charge of decision-making processes in their lives.
- Service users are encouraged to identify goals and access education, training, and employment to maximise their stability and independence.

- Service users have access to resettlement and follow-up services with exit strategies tailored to individual need. This should include access to ongoing specialist support in the community as part of resettlement, including through partnerships and appropriate referral pathways.

5. Children and young people

- The safety and wellbeing of children and young people is addressed in risk assessment and support planning.
- Children are able to access support to understand their experiences and build their resilience and confidence.
- Support is provided to parents to develop their parenting resources and maintain their relationships with their children.
- Services are responsive to the needs and views of children and young people.

6. Prevention

- Children and young people are better informed and educated around consent, healthy relationships, gender inequality and violence against women and girls.
- The organisation contributes to training and awareness-raising activities with other professionals and within local communities, tailoring training and awareness raising activities to different and diverse communities.
- The organisation contributes to local strategies for ending violence against women and girls.