

Report to Cabinet

23 March 2022

Subject:	Domestic Abuse Strategy 2021-2024 and allocation of New Burdens funding for 2022-2024
Cabinet Member:	Councillor Bob Piper Cabinet Member for Community Safety
Director:	Alice Davey Director of Borough Economy
Key Decision:	Yes
Contact Officer:	Maryrose Lappin Domestic Abuse Team Manager maryrose_lappin@sandwell.gov.uk

1 Recommendations

- 1.1 That the 2021-24 Domestic Abuse Strategy as set out in Appendix 1 be approved.
- 1.2 That approval be given to carry forward the projected underspend of £150,000 Domestic Abuse New Burdens Funding for 2021-22 as a reserve and that it be used to partly fund the interventions in 2022-23 (£62,500) and 2023-24 (£87,500).
- 1.3 That approval be given to allocate New Burdens funding outlined in Table 1 below of £907,042 in 2022-23 and £932,042 in 2023-24 to support the delivery of the strategy, ensuring that Sandwell fully complies with the new statutory duty for the delivery of specialist support to domestic abuse victims and children in safe accommodation, subject to the confirmation of the funding allocation for 2023-24 from central government.



Table 1. Services and Interventions	2022-23 proposed allocation (Total funding available, including c/f of £62,500 from 2021-22: £907,042)	2023-24 proposed allocation (Total funding available, including c/f of £87,500 from 2021-22: £932,042)
Existing Services and Interventions:		
Provision of refuge accommodation	£305K	£305K
Community-based support for victims of Domestic Abuse	£236K	£236K
4 additional places in refuge accommodation, including Refuge Complex Needs Worker	£60K	£60k
Family Support Worker and Empowerment & Engagement Co-Ordinator posts to support victims in specialist domestic abuse safe accommodation	£70K	£70K
Co-Ordinator within SMBC Domestic Abuse Team to support implementation and programme management of NBF programme and Domestic Abuse plan	£60K	£60K
New Interventions		
Sanctuary Scheme – specialist support to victims referred for sanctuary provision	£17,872	£17,872
Floating support/resettlement support for victims' transition from refuge to community	£35,000	£35,000
Psychologically-informed therapeutic interventions for adults and children in safe accommodation	£120,440	£120,440
DA needs assessment / strategy update required under Domestic Abuse Act 2021	0	£25,000
Contingency	£2,730	£2,730
Total	£907,042	£932,042

1.4 That approval is given to award grant funding totalling up to £223,609 (£205,737 in 2022-23 and £17,872 in 2023-24) to Black Country Women's Aid (BCWA) as detailed in Table 2 below from New Burdens funding for a range of interventions which will assist in delivering the Domestic Abuse Strategy and the statutory duty for domestic abuse.



TABLE 2. Proposed grants to be awarded to Black Country Women's Aid	Grant Period	Total Grant
Family Support Worker and Empowerment & Engagement Co-Ordinator posts to support victims in specialist domestic abuse safe accommodation	10 months funding 1/04/22 - 31/1/23	£58,333
Sanctuary Scheme – specialist support to victims referred for sanctuary provision	24 months 1/04/22 – 31/03/24	£35,744 (£17,872 pa)
Floating support/resettlement support for victims' transition from refuge to community	10 months funding 1/04/22 - 31/1/23	£29,166
Psychologically-informed therapeutic interventions for adults and children in safe accommodation	10 months funding 1/04/22 - 31/1/23	£100,366
TOTAL		£223,609

2 Reasons for Recommendations

- 2.1 In March 2021, Statutory Officers Group were briefed on the new statutory duty for the provision of specialist support for victims of domestic abuse and their children in safe accommodation from April 2021. This duty is part of the Domestic Abuse Act 2021 and requires that a safe accommodation needs assessment is undertaken which informs a safe accommodation strategy.
- 2.2 Linxs Consultancy were commissioned to undertake a domestic abuse needs assessment and develop a new domestic abuse strategy for Sandwell. Work on the needs assessment and strategy development has been overseen by a multi-agency task and finish group which reports to the Domestic Abuse Strategic Partnership (DASP), the statutory board responsible for domestic abuse.
- 2.3 The first phase of this work focussed on the production of a safe accommodation needs assessment which informed the safe accommodation strategy 2021-24 to comply with the timescales required by the new statutory duty. The domestic abuse safe accommodation strategy 2021-24 was approved by Cabinet in December 2021 and



published on the SMBC website by 5 January 2022 to comply with statutory requirements to publish a domestic abuse safe accommodation strategy by that date. There is no specific statutory requirement or timescale for the production of the wider Strategy, but the latter now also incorporates the safe accommodation strategy which Cabinet has already approved. The period of the wider strategy is 2021-24 to reflect the period of the safe accommodation strategy.

- 2.4 The Domestic Abuse Strategy 2021-24 in Appendix 1 outlines the key points and recommendations from the needs assessment and how these will be addressed. The needs assessment has incorporated a range of data from partners; stakeholders feedback and feedback from domestic abuse victims-survivors.
- 2.5 Based on the analysis of the needs assessment, the Strategy indicates that we will focus our activity on the following three themes:
- Early intervention and enhanced survivor and whole family support;
 - Joint working and partnership focus;
 - Safe accommodation.

The strategy outlines a number of commitments outlining how these themes will be addressed.

- 2.6 In March 2021, Statutory Officers Group approved the use of New Burdens funding in 2021-22 to support delivery of the statutory duty.
- 2.7 Sandwell's New Burdens grant funding of £841,812 for 2021-22 was intended to cover revenue expenditure relating to the functions set out in the new statutory duty on Tier 1 Local Authorities in Part 4 of the 2021 Domestic Abuse Act, relating to the provision of support to victims of domestic abuse and their children residing within safe accommodation.
- 2.8 The grant was distributed to Local Authorities for the period from 01 April 2021 to 31 March 2022 and Government has indicated that this funding will be in place for at least a three-year period, at similar levels to the 2021-22 allocation. They have indicated that funding after that period may be allocated as part of the main grant to local authorities. In February 2022, SMBC was notified that the Sandwell allocation for 2022-23 will be £844,142.



- 2.9 A Memorandum of Understanding from the Ministry of Housing, Communities & Local Government (MHCLG – now called the Department of Levelling Up, Housing & Communities (DLUHC) was signed on behalf of the Local Authority by the Interim Director of Adult Social Care and returned in March 2021.
- 2.10 Final [Statutory guidance](#) on the new duty for local authorities was issued by DLUHC on 1 October 2021. This requires that all support in safe accommodation provided under the new duty 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. Those specialist providers should also meet the DLUHC Quality Standards. The Act also outlines the requirement for support services to include a range of services namely: advocacy, prevention, advice, specialist support for both adults and children, counselling and therapy.
- 2.11 Table 1 below outlines the proposed investment plan for 2022-23 and 2023-24 from New Burdens funding. With the proposed reserve of £150K underspend from 2021-22 to be utilised across 2022-24, there is a total of £907,042 allocations proposed in 2022-23 and £932,042 in 2023-24.
- 2.12 The proposed programme of investment includes allocation of New Burdens Funding to: -
- the provision of refuge accommodation and community-based support for victims of domestic abuse that is currently funded by the council and will therefore support the financial savings to be achieved by the budget strategy.
 - Interventions that commenced in 2021-22 funded by the first year of New Burdens funding
 - New interventions as identified by the domestic abuse needs assessment

The proposed allocations are provided in table 1 below.

- 2.13 Any programme variations that arise will be managed to support the objectives of the New Burdens Funding and in accordance with delegations under the Constitution and Standing Financial Instructions.



Table 1. Services and Interventions	2022-23 proposed allocation (Total funding available, including c/f of £62,500 from 2021-22: £907,042)	2023-24 proposed allocation (Total funding available, including c/f of £87,500 from 2021-22: £932,042)
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2.13 Adult Social Care commissions the specialist support in domestic abuse refuge accommodation in Sandwell and will commission support for the 4 additional refuge places and a complex needs worker. A procurement process will be undertaken in 2022-23 to identify the provider of specialist domestic abuse refuge accommodation and support provision



from February 2023. In line with the timescale for the procurement of refuge provision in the borough, it is proposed that the grants outlined in Table 2 below are awarded to Black Country Women’s Aid to deliver support to victims of domestic abuse as identified by the needs assessment. (These proposals are included within the overall investment plan in Table 1).

TABLE 2. Proposed grants to be awarded to Black Country Women’s Aid	Grant Period	Total Grant
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Sanctuary Scheme – specialist support to victims referred for sanctuary provision	24 months 1/04/22 – 31/03/24	£35,744 (£17,872 pa)
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TOTAL		£223,609

3 How does this deliver objectives of the Corporate Plan?

	Best start in life for children and young people - The Domestic Abuse Act 2021 recognises children as victims of domestic abuse. The Domestic Abuse Strategy outlines work to support children and families experiencing domestic abuse. The proposed funding allocations outlined in the report will provide specialist support in safe accommodation to children who have experienced domestic abuse.
	People live well and age well - The Domestic Abuse Strategy outlines work to support all victims of domestic abuse. The proposed funding allocations outlined in the report will include provision of specialist support to victims of domestic abuse and their children in safe accommodation.





Strong resilient communities – The provision outlined in this report will include support to vulnerable victims and their families in safe accommodation and help them to cope and recover from domestic abuse.

4 Context and Key Issues

- 4.1 The Domestic Abuse Act 2021 included a new statutory duty on local authorities for the provision of specialist support for victims of domestic abuse and their children in safe accommodation from April 2021. This duty requires that a safe accommodation needs assessment is undertaken which informs a safe accommodation strategy. Work has been completed on a domestic abuse assessment which has informed the Domestic Abuse Strategy 2021-24 in Appendix 1. The domestic abuse safe accommodation element of this strategy was approved by Cabinet in December 2021 and published by 5 January in compliance with the statutory duty. Approval and adoption by SMBC Cabinet is now sought on the wider draft Domestic Abuse Strategy. There has been wide consultation during the development of the needs assessment and strategy, which has been overseen by a multi-agency task and finish group and approved by the Domestic Abuse Strategic Partnership. Members of the Domestic Abuse Strategic Partnership have agreed the Strategy and it is due for formal approval at the DASP meeting on 11 March.
- 4.2 Central government has awarded New Burdens funding to local authorities to support the delivery of the new statutory duty. In March 2021, Statutory Officers Group approved the use of New Burdens funding in 2021-22. The proposals outlined in this report to Cabinet proposes allocations for 2022-23 and 2023-24 to support the implementation of the strategy and the safe accommodation statutory duty.
- 4.3 Sandwell's New Burdens grant funding of £841,812 for 2021-22 was allocated to cover revenue expenditure relating to the functions set out in the new statutory duty on Tier 1 Local Authorities in Part 4 of the 2021 Domestic Abuse Act, relating to the provision of support to victims of domestic abuse and their children residing within safe accommodation.



- 4.4 The grant was distributed to Local Authorities for the period from 01 April 2021 to 31 March 2022 and Government has indicated that this funding will be in place for at least a three-year period, at a similar level to 2021-22. They have indicated that funding after that period may be allocated as part of the main grant to local authorities. In February 2022, SMBC was notified that the Sandwell allocation for 2022-23 will be £844,142.
- 4.5 A Memorandum of Understanding from MHCLG was signed on behalf of the Local Authority by the Interim Director of Adult Social Care and returned in March 2021.
- 4.6 Final [Statutory guidance](#) on the new duty for local authorities was issued by the Department of Levelling Up, Housing & Communities (DLUHC) on 1 October 2021. This requires that all support in safe accommodation provided under the new duty 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. Those specialist providers should also meet the DLUHC Quality Standards.

5 Alternative Options

- 5.1 Members of the Domestic Abuse Strategic Partnership have agreed the Strategy and it is due for formal approval at the DASP meeting on 11 March. The proposals for the use of New Burdens funding will support the delivery of that strategy and enable the commitments outlined in the strategy for safe accommodation to be delivered.
- 5.2 Black Country Women's Aid is the commissioned specialist provider of domestic abuse support services in Sandwell. They have secured the tender for the current domestic abuse refuge contract through competitive tendering. SMBC Adult Services have indicated they intend to re-tender the main domestic abuse refuge contract during 2022 and this will be subject to a separate Cabinet report.
- 5.3 As BWCA are the provider of specialist refuge accommodation in Sandwell grant, they are best placed to support the additional activity through grant funding.



6. Implications

Resources:	<p>In March 2021, Statutory Officers Group approved the use of New Burdens funding in 2021-22 to support delivery of the statutory duty for domestic abuse.</p> <p>Sandwell's New Burdens grant funding of £841,812 for 2021-22 was intended to cover revenue expenditure relating to the functions set out in the new statutory duty on Tier 1 Local Authorities in Part 4 of the 2021 Domestic Abuse Act, relating to the provision of support to victims of domestic abuse and their children residing within safe accommodation.</p> <p>The grant was distributed to Local Authorities for the period from 01 April 2021 to 31 March 2022 and Government has indicated that this funding will be in place for at least a three-year period at a similar level to the 2021-22 allocation. They have indicated that funding after that period may be allocated as part of the main grant to local authorities. In February 2022, SMBC was notified that the Sandwell allocation for 2022-23 will be £844,142. Proposals within this report are therefore based on the 2022-23 level of New Burdens funding allocation to Sandwell of £844,142.</p> <p>The proposed investments in Table 1 can be fully funded in 2022-23 and 2023-24 using the expected grant and the resources requested to be carried forward from the 2021-22 underspend.</p> <p>A Memorandum of Understanding from MHCLG was signed on behalf of the Local Authority by the Interim Director of Adult Social Care and returned in March 2021.</p> <p>Final Statutory guidance on the new duty for local authorities was issued by the Department of Levelling Up, Housing & Communities (DLUHC) on 1 October 2021. This requires that all support in safe</p>
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	<p>accommodation provided under the new duty 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. Those specialist providers should also meet the DLUHC Quality Standards.</p> <p>SMBC currently commissions Black Country Women's Aid (BCWA) to provide both refuge support and specialist community-based support to victims of domestic abuse via existing grant agreements and a contract arrangement. BCWA meets the required DLUHC Quality Standards.</p>
<p>Legal and Governance:</p>	<p>The recommendations of the report are in line with the Council's Third Sector Funding Strategy. The intended services will be delivered in the context of the following legal and policy considerations. The recommendations outlined in this report will enable SMBC to deliver the statutory duty outlined in the Domestic Abuse Act 2021 to provide specialist support to victims of domestic abuse and their children in safe accommodation.</p> <p>The Government has developed a new statutory definition of domestic abuse in the Domestic Abuse Act 2021. The Act also outlines statutory expectations on local authorities for the provision of specialist support to victims and children in safe accommodation. Final Statutory guidance on the new duty for local authorities was issued by the Department of Levelling Up, Housing & Communities (DLUHC) on 1 October 2021. This requires that all support in safe accommodation provided under the new duty 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. Those specialist providers should also meet the DLUHC Quality Standards.</p>



The Government's Violence Against Women & Girls (VAWG) National Statement of Expectations was issued in 2016 and has been re-emphasised in the 2021 Domestic Abuse Act. This sets out what local areas need to put in place to ensure their response to VAWG issues is as collaborative, robust and effective as it can be so that all victims and survivors can get the help they need. The Government expects to see local strategies and services that:

- Put the victim at the centre of service delivery
- Have a clear focus on perpetrators to keep victims safe
- Take a strategic, system-wide approach to commissioning, acknowledging the gendered nature of VAWG
- Raise local awareness of the issues and involve, engage and empower communities to seek, design and deliver solutions to prevent VAWG.

The statutory power to provide grant funding is contained in section 1 of the Localism Act 2011 (general power of competence). Grant funding is not subject to the requirements for competition under the Public Contracts Regulations 2015.

The Council is under a legal obligation to ensure that the proposed grant funding to Black Country Women's Aid complies with subsidy control regulations (previously known as European State Aid rules). A Legal view has been obtained which advises that the EU State aid rules now only apply in limited circumstances, which do not include the Grant. The new rules are contained in the UK-EU Trade and Cooperation Agreement (TCA), which require public authorities to consider on a case-by-case basis whether financial support could fall within the definition of "*subsidy*" and if so whether it would comply with six key principles.

Support may be considered lawful if it satisfies the principles and does not fall within a prohibited category, for example, unlimited guarantees.



	<p>Unlawful subsidy can be challenged in the courts by way of judicial review, and for this reason the decision-making process around granting subsidy is particularly important.</p> <p>The legal advice states that there are good grounds for concluding that the Grant will not fall within the definition of subsidy on the basis that it will not meet Condition 4 (i.e. it will not impact on trade and investment between the UK and EU). SMBC has obtained further evidence to strengthen such a conclusion.</p>
Risk:	<p>A risk register has been developed which addresses the potential risks associated with the decisions being sought. There are no risks identified that are significant once mitigating actions have been implemented. No red risks have been identified.</p> <p>This will be regularly reviewed, updated and reported to DASP or appropriate sub-group to ensure that risks are effectively managed.</p>
Equality:	<p>An Equality Impact Assessment has been completed as part of Cabinet report process which has identified no adverse impacts or issues of concern for protected groups.</p>
Health and Wellbeing:	<p>The domestic abuse strategy and the objectives of the provision supported through the proposed funding allocations would aim:</p> <ul style="list-style-type: none"> • To increase the safety of victims and children • To improve the physical and mental health and wellbeing of victims • To improve children's safety • To regain/retain victims' stability, resilience and autonomy
Social Value	<p>The domestic abuse strategy outlines commitments to provide specialist support for victims of domestic abuse and their families. It will assist in addressing the significant issue of domestic abuse. It also aims to increase and improve the safety and wellbeing of adult and child victims, enabling them to cope and recover from the impact of domestic abuse and thus generating social value.</p>



	<p>Black Country Women's Aid are a well-established third sector organisation whose roots are in Sandwell. They employ local people and also lever additional resources from charitable and other sources to provide support to vulnerable victims and children in Sandwell and add value to the SMBC investment.</p>
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7. Appendices

Appendix 1 - Domestic abuse strategy 2021-2024.

8. Background Papers

Final [Statutory guidance](#) on the new duty for local authorities was issued by the Department of Levelling Up, Housing & Communities (DLUHC) on 1 October 2021.

