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Government Consultation on Domestic Abuse Act Housing Regulations Closes 27th July 2021

Scope: This consultation relates to the draft regulations and statutory guidance that support all tier 1 and 2 local authorities in meeting the new duties relating to the provision of domestic abuse support for victims and their children residing in safe accommodation within Part 4 of the Domestic Abuse Act 2021

You can view the legislation [here](#)

You can view the statutory guidance [here](#)

Statutory guidance

The statutory guidance supports the new duties on relevant local authorities with the aim of ensuring all victims of domestic abuse have access to the right support within relevant safe accommodation.

The statutory guidance will accompany the Domestic Abuse Act and gives further details on the new provisions for all tier 1 and 2 local authorities in fulfilling their functions under Part 4.

FYI – Q1 and Q2 were about who you are and where you are based. We will answer these as a collective.

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

a. Yes

b. No

c. Comments

We welcome this guidance overall as an effective way of helping support the victims of domestic abuse, particularly the introduction of more consistency with needs assessments, quality standards and support for domestic abuse victims and their children. We hope that the proposed mechanisms for reporting will also include best practice for effective prevention and early intervention measures.

However it is not clear enough who will fund housing related support for victims of domestic abuse. Since the Supporting People commissioning framework was withdrawn, the process for assessing needs, commissioning services, and regularly reviewing them has been inconsistent. Housing support funding is awarded to tier 2 authorities who do not have this statutory responsibility. We therefore believe that the guidance needs to be clear about how tier 1 authorities are to fund the identified support needs of victims, and that if MHCLG resources are used for this, that a long term commitment to this funding is given. Short term funding is **not** appropriate for these services as it introduces too much uncertainty and risk for support

providers and will not therefore meet the intended outcomes. We suggest that the duty to ensure that support services could sit with tier 2 authorities who hold mainstream funding for housing related support.

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

- a. Yes
- b. No

Q5. If yes, please specify which areas and what you would like to see clarified?

Comments

See Q3.

Q6. Are there any areas within the statutory guidance that you think it would be helpful to have more detail?

- a. Yes
- b. No
- c. Comments

Q7. If yes, please specify where it would be helpful to have more detail.

Comments

Partnership Boards should perhaps consider the training needs of front line staff providing these services to ensure consistency.

Two of our members have cited experience whereby local authorities resist support to victims from outside of their area. The guidance says “**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**”. It might therefore be helpful to set out more detail on expectations and how consistency can be achieved.

Q8. Are there any areas missing from the statutory guidance that you think would be helpful to include?

- a. Yes
- b. No
- c. Comments

Q9. If yes, please specify which areas are missing that you think it would be helpful to include in the guidance comments

Section B2 could set out the scope of the needs assessment. For example, is this focussed on the availability and quality of support and accommodation? Or is it wider?

Q10. (for local authorities) Do you agree that June is a reasonably practical time after the end of each financial year for the submission of annual reports to MHCLG?

- a. Yes
- b. No

Q11. If not, please specify what would be a reasonably practical time for the submission of annual reports to MHCLG.

Comments

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

Tier 1 authorities must appoint a Local Partnership Board (Board) consisting of key local partners with an interest in tackling domestic abuse and supporting victims, including their children. To support local authorities in setting up these Board we have provided recommended terms of reference.

Q12. Do you agree with the recommended terms of reference for Local Domestic Abuse Partnership Boards?

- a. Yes
- b. No

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

Comments

Yes. We believe that the wider framework within which this Board sits should be set out, including how the Board fits with Health and Well Being Partnerships/Homelessness Strategies / Community Safety Partnerships / Safeguarding arrangements / relevant democratic structure for local authorities.

We believe that Housing Associations should be a part of this overarching strategic approach and have representation on the Boards. We also suggest that representation on the partnership board from survivors of DA is important to get a real-life perspective on the issues faced.

One of our members has raised that if the Partnership Board's include - ***(b) at least one representative appearing to represent the interests of Tier Two authorities within the Tier One authority area;*** then consideration needs to be given to the potential for conflicting opinions / approaches from different local authorities.

Annex B: MHCLG quality standards

Q14. Do you agree with the updated MHCLG quality standards?

- a. Yes
- b. No

Q15. Is there anything missing that you would wish to see included?

Comments

Regulations

The Domestic Abuse Support (Relevant Accommodation) Regulations 2021.

The regulations provide a description of 'relevant accommodation'. This description is intended to be broad based and recognise the wide diversity of safe accommodation that domestic abuse victims and their children may live in or choose to live in, including:

- Refuge accommodation
- Specialist safe accommodation
- Dispersed accommodation
- Sanctuary schemes
- Move-on or second stage accommodation

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

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

- a. Yes
- b. No
- c. Comments

Q17. Do you agree with the description of specialist safe accommodation as defined in the regulations?

- a. Yes
- b. No
- c. Comments

Q18. Do you agree with the description of dispersed accommodation as defined in the regulations?

- a. Yes
- b. No
- c. Comments

Q19. Do you agree with the description of sanctuary schemes as defined in the regulations?

- a. Yes
- b. No
- c. Comments

Q20. Do you agree with the description of move-on or second stage accommodation as defined in the regulations?

- a. Yes
- b. No
- c. Comments

Q21. Is there anything missing that you would wish to see included in the regulation?

Comments

Domestic Abuse (Local Authority Strategies) Regulations 2021

These regulations make provision about the preparation and publication of strategies under section 57 of the Act. The regulations make provision about the matters to which a relevant local authority must have regard to in preparing a strategy for example links/join up with other local authority functions such as Violence Against Women and Girls, how the strategy must be published, the date by which the first strategy should be published, the frequency with which a relevant local authority must review its strategy and the effect of their strategy on other local authority domestic abuse support.

Q22. Do you agree with the frequency of the publication of strategies?

- a. Yes
- b. No
- c. Comments

But we think there need to be clear links to the Community Safety Partnerships who undertake domestic abuse homicide reviews after every tragedy. If there are lessons that should be learnt from multi agency failure in keeping victims safe then this should trigger the need for a review of the Strategy.

Q23. Do you agree that the first strategy should be published by 31 October?

- a. Yes
- b. No
- c. Comments

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

Comments

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

Comments