

Local Government Association briefing

Domestic Abuse Bill

Second Reading, House of Commons

2 October 2019



Key messages

- Domestic abuse is a horrendous crime, and councils want to do all they can to tackle and prevent it. As part of our #CouncilsCan campaign, we have been calling for greater action to reduce and eventually eliminate domestic abuse, so it is positive to see the Domestic Abuse Bill being taken forward.¹
- We support the creation of a statutory definition of domestic abuse, and the inclusion of economic abuse within this. We are also pleased to see the establishment of the Domestic Abuse Commissioner role.
- Alongside the Bill's focus on crisis interventions and criminal justice, tackling domestic abuse requires a cross-Government response incorporating health, housing and education. We need an equal focus on, and funding, for prevention and early intervention measures that aims to prevent domestic abuse happening in the first place.
- While it is right that we should prioritise and support victims, breaking the cycle of domestic abuse will also mean stopping perpetrators from reoffending. This requires funding and investment to be put towards evidence-based perpetrator programmes.
- We are calling for the key learning and best practice from Domestic Homicide Reviews (DHRs) to be shared on a national level. This learning should contribute towards the Commissioner's Annual Report.
- With domestic abuse a factor in the majority of child protection cases, we would like to see more emphasis on how children can be supported when they have experienced domestic abuse. There must be greater investment in child and adolescent mental health services and early intervention work to mitigate the impact of adverse childhood experiences based around domestic abuse.
- This legislation comes at a time when local government, and particularly children's services, are facing unprecedented demand. Councils have worked hard to protect budgets for essential child protection services, but funding pressures have led to difficult decisions in other parts of the service, reducing vital early intervention work and leaving children and young people unable to access support until they reach breaking point.
- In order for the Bill to have real success in tackling domestic abuse and creating consistency of services, it must be underpinned by adequate, long term funding in key services including children's services and housing.

Briefing

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Background information

The measures in the Domestic Abuse Bill seek to raise awareness of domestic abuse, including by legislating for the first time for a statutory definition of domestic abuse. The Bill aims to protect and support victims by introducing a new Domestic Abuse Protection Notice and Order (DAPO). Measures in the Bill seek to transform the justice response, for example by preventing the cross-examination of victims in family court proceedings by the abuser. The Bill also introduces the new Domestic Abuse Commissioner to help drive consistency and better performance in the response to domestic abuse across all local areas and agencies.

Key statistics

- In the year ending March 2018, an estimated two million adults aged 16 to 59 years experienced domestic abuse in the last year (1.3 million women, 695,000 men).ⁱⁱ
- The most common type of domestic abuse experienced in the last year was partner abuse, with 4.5 per cent of adults reporting this type of abuse.ⁱⁱⁱ
- Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) recorded a total of 201,656 child protection referrals as a result of domestic abuse-related incidents in the year ending March 2018.^{iv}
- Domestic abuse is estimated to have cost over £66 billion in England and Wales. The biggest component of the estimated cost is the physical and emotional harms incurred by victims (£47 billion), particularly the emotional harms which account for the overwhelming majority of the overall costs.^v
- Most extreme is the cost of domestic homicide, which has an estimated unit cost of £2.2 million arising from the cost of harms, health services and lost output.^{vi}

Domestic Abuse Commissioner

The LGA supports the creation of the Domestic Abuse Commissioner post, and welcomes the appointment of Nicole Jacobs. In another area of councils' work, we have worked closely and constructively with the Independent Anti-Slavery Commissioner, and hope to replicate this relationship with the Domestic Abuse Commissioner.^{vii}

It will be vital both that the Commissioner is able to operate fully independently, and that there is sufficient parliamentary time to consider the reports submitted by the Commissioner. We would support consideration of the Commissioner's findings by a select committee, so that there is added weight to any recommendations.

We are also calling for the key learning and best practice from Domestic Homicide Reviews (DHRs) to be shared at a national level. Any findings or recommendations should contribute towards the Commissioner's Annual Report. This isn't being done currently and it could help identify key areas of improvement that could help to save lives and protect domestic abuse victims.

The Commissioner should be the 'ultimate critical friend' to the Government, councils, local agencies and all our partners. This should be done through a supportive and collaborative relationship, with the necessary powers to hold key

partners to account. However, the Commissioner must avoid being too prescriptive; there is no one size fits all approach to tackling this issue.

Victim support and housing

The Government has previously announced that it intends to introduce a legal duty on local authorities to deliver accommodation based support to victims of domestic abuse, and is currently considering the response to a recent consultation on this. We welcome the Government's commitment to fund this type of support, as safe accommodation and support clearly plays a critical and necessary role in how we respond to domestic abuse.

Support for victims of domestic abuse must be viewed within the wider context of community-based support. Where possible, victims should be supported to remain in their own home if it is safe to do so. We have some concern that a legal duty on local authorities to provide domestic abuse accommodation-based services may come at the expense of other domestic abuse initiatives, or create a perverse incentive to enter accommodation-based services if that is the main route to accessing support.

It is vital that there is a coordinated and comprehensive approach taken across the whole of Government and through the Domestic Abuse Bill, rather than a piecemeal approach focusing on specific aspects of the response to domestic abuse.

Early intervention and prevention

Alongside the proposed new duty and the Bill's focus on criminal justice measures, there is a pressing need to focus on early intervention and prevention. We need to intervene in cases of domestic abuse before the point of a crisis response, and implement programmes and approaches that seek to minimise and eradicate domestic abuse in the long term.

This means investing in key frontline professionals to enable them to spot the warning signs, and working closely with schools to inform them when a child has witnessed a domestic abuse incident. It also means speaking to children earlier and consistently about what a healthy relationship looks like. We welcome the new requirement for schools to teach Relationships and Sex Education (RSE), which will help children to understand healthy relationships, but urge the Government to invest in the necessary resources and training to make this effective.

Lastly, to stop domestic abuse from occurring, we need to be taking co-ordinated and urgent action against the perpetrators of abuse. However, there is currently limited reliable research or evidence that enables agencies to select and deploy interventions they know are effective in changing the behaviour of perpetrators. Councils have found that perpetrator programmes which aim to change offenders' behaviour and stop reoffending have often lacked funding or are only commissioned as part of temporary pilot schemes.

There needs to be a focused effort across agencies to develop and test interventions. Once interventions are identified, they need to be made available for all levels of risk and need, particularly at the stage of early intervention. More needs to be done to develop an evidence base that is extensive and rigorous enough to justify investment.

Local government funding

Councils want to do all that they can to work with partners to tackle and prevent domestic abuse, but pressures on local government funding and services create challenges for them in doing so. Local services face cost pressures of £2.5 billion

each year due to demand and inflation alone, and many of these pressures fall on services - such as children's services and housing - which are vital in terms of providing support to victims and their families and trying to prevent domestic abuse in the future. There is therefore a need for realism about the financial climate which councils and their partners are operating in.

In order to support victims and tackle domestic abuse, we need adequate and sustainable long term funding for key services, including the new accommodation based support for victims.

Council case studies

LGA Behavioural Insight team – Kent County Council (Police/ Victim Support): The LGA behavioural insights team has been working with Kent County Council, Kent Police and Kent Victim Support Services to improve the referral and response rate to Victim Support services, when police are called to a domestic abuse incident. Kent County Council and Kent Police ran a controlled trial to assess whether there is an improvement in the response rate from victims of domestic abuse – when police provide them with a card letting the victim know a support officer will call them. The commissioned support service successfully contacted a further 2.3 per cent of domestic violence victims which saw a 0.6 per cent increase of uptake in support received. Further information and our LGA report is [available here](#).

Drive Project - High Risk Perpetrators: Respect, Safe Lives and Social Finance are working together with Police and Crime Commissioners and local authorities in Sussex, Essex and South Wales and the Lloyds Bank Foundation on the Drive perpetrator project. The project aims to develop and evaluate a new approach to hold perpetrators of domestic abuse to account in order to keep victims and children safe.

Norfolk County Council – Domestic Abuse Champion: This programme aims to train professionals in health (GPs, pharmacists, receptionists, midwives, first responders etc) and in education about how to respond to domestic abuse and spot the signs early on. They have trained over 1,000 champions.

Hull City Council – Young Perpetrators: The council are leading a programme of group work and one-to-one support for young men aged 16-17 who are at risk of perpetrating abuse. The project aims to challenge attitudes about domestic abuse and to achieve a transformational change in behaviour, while also providing support to the young men's partners and ex-partners.

ⁱ <https://www.local.gov.uk/councils-can-2019-conference-paper>

ⁱⁱ <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwales/yearendingmarch2018>

ⁱⁱⁱ As above

^{iv} <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/domesticabuseinenglandandwalesappendixtables>

^v https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/772180/horr107.pdf

^{vi} As above.

^{vii} <https://www.gov.uk/government/news/uks-first-domestic-abuse-commissioner-announced-as-government-pledges-to-tackle-crime>