



Ministry of Housing,
Communities &
Local Government

New Duty on Local Authorities to Provide Domestic Abuse Support in Safe Accommodation in England

Public Consultation on Allocation methods for the associated New Burdens Funding



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If you have any enquiries regarding this document/publication, complete the form at <http://forms.communities.gov.uk/> or write to us at:

Email: DomesticAbuse.Fund@communities.gov.uk

Post:
Ministry of Housing, Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF
Telephone: 030 3444 0000

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October 2020

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Scope of the consultation

Topic of this consultation:	This paper seeks views on the Government's proposals for allocation of new burden funding to support the delivery of the new duty on local authorities to provide domestic abuse support in safe accommodation services in England.
Scope of this consultation:	This consultation relates to the proposed allocation of new burdens funding for Tier 1 and Tier 2 local authorities in England, to enable them to meet the new duty to provide domestic abuse support in safe accommodation, commencing in April 2021 subject to successful passage of the Domestic Abuse Bill.
Geographical scope:	These proposals relate to England only.
Impact Assessment:	The purpose of the consultation is to seek views on the proposed funding allocation methods of the new burden associated with the new duty to provide domestic abuse support in safe accommodation. Any policy changes brought forward as a result of the consultation would be subject to appropriate assessment.

Basic Information

Duration:	This consultation will last for 6 weeks from 5 October to 13 November.
Enquiries:	For any enquiries about the consultation please contact: DomesticAbuse.Fund@communities.gov.uk
How to respond:	<p>We encourage you to respond by completing an online survey at:</p> <p>https://www.smartsurvey.co.uk/s/DADutyAllocationConsultation/</p> <p>If for exceptional reasons you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a word document version of the form and email it or post it to:</p> <p style="text-align: center;">Domestic Abuse Team 3rd Floor Fry Building Home Office 2 Marsham Street London SW1P 4DF</p>

	<p>Please note that due to the covid-19 pandemic and the current advice on working from home, respondents are advised to use the online system or email address where possible. Officials will have limited access to the office and, as a result, receipt of responses through post could be delayed.</p>
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Introduction

1. Domestic Abuse is a devastating crime which creates long term impacts on victims, their children, and wider society. Government has committed to transform the response to domestic abuse and improve support for victims so that all victims and their children receive the support they need when they need it.
2. On 3 March the Government re-introduced the Domestic Abuse Bill into this Parliament. The Bill includes a new duty on local authorities in England to provide support for victims and their children within safe accommodation. Subject to the successful passage of the Bill, the new duty will commence in April 2021.
3. In this paper, the Ministry of Housing, Communities and Local Government (MHCLG) is consulting on the allocation method to distribute the new burdens funding associated with the duty.
4. This consultation will be of particular interest for local authorities across England and is relevant for both upper and lower tiers.

Background

Review of Safe Accommodation Services

5. During 2018 and 2019, MHCLG reviewed the current approach to commissioning of domestic abuse (DA) support in safe accommodation, including refuges, in England. MHCLG engaged closely with stakeholders, including DA sector partners, local authorities and the Local Government Association, Police and Crime Commissioners, housing and service providers, and specialist organisations supporting victims who share relevant protected characteristics.
6. While many councils already provide vital, life-saving services that ensure those fleeing from devastating abuse have somewhere safe to go, there is not consistent coverage across the country.
7. Through this review we worked closely with stakeholders to develop an alternative delivery mechanism for providing support in domestic abuse safe accommodation services.

Public consultation on future support in domestic abuse safe accommodation

8. Following public consultation, on 14 October 2019, Government announced the intention to introduce a new duty on local authorities in the Domestic Abuse Bill. Government response to the consultation can be found here:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/839171/Domestic_Abuse_Duty_Gov_Response_to_Consultation.pdf

The new duty and the Domestic Abuse Bill as its legislative vehicle

9. The Domestic Abuse Bill, currently on its way through Parliament can be found at <https://publications.parliament.uk/pa/bills/lbill/58-01/124/5801124.pdf> Subject to the Bill receiving Royal Assent, the new duty (clauses 55-59 under part 4 of the Bill) will come into effect from April 2021.
10. Under the duty, local authorities will be required to assess the need and commission support to victims of domestic abuse and their children in safe accommodation services in their areas, and report back to central Government that they have met these obligations.
11. The Domestic Abuse Bill 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 specific functions: These are to:
 - a. Assess, or make arrangements for the assessment of, the need for domestic abuse support for all victims (and their children) who reside in relevant safe accommodation in their area, including those who require cross-border support.
 - b. Prepare and publish a strategy for the provision of such support to cover their area having regard to the need's assessment.
 - c. Give effect to the strategy (for example through commissioning / de-commissioning decisions.)
 - d. Monitor and evaluate the effectiveness of the strategy.
 - e. Report back annually to central government.
 - f. Require the Secretary of State to issue statutory guidance, having consulted the Domestic Abuse Commissioner, local authorities and such other persons as considered appropriate.
 - g. Requires all local authorities in England to have regard to the statutory guidance in exercising their functions under Part 4.
- II. **A duty on Tier 2 district, borough and city councils and London Boroughs to co-operate with their Tier 1 lead authorities, so far as is reasonably practicable.**

The Proposal

12. The new duty places new statutory requirements on local authorities which will require full funding in line with established new burdens principles. This consultation sets out proposals for the distribution of funding and seeks views on the rationale and methodology proposed.
13. Following the Spending Review, and once we have analysed the responses to this consultation, we will set out the final allocations methodology and publish the draft final allocations for each local authority, subject to the Domestic Abuse Bill receiving Royal Assent.

Two funding elements for allocation

14. During 2019, MHCLG engaged with local authorities and service providers to understand the costs of the new duty. In estimating the required funding, we assessed the costs of the following two elements:
 - a. Support in safe accommodation: cost of the commissioned services, based on an estimate of support unit costs and the level of unmet need for safe accommodation.
 - b. Administrative new burdens: cost of delivering the new functions under the duty.
15. We propose a slightly different allocation approach for each of the above elements, considering the different requirements Tier 1 and Tier 2 local authorities will need to carry out.

Proposed allocation method for support costs

16. Under the new duty, Tier 1 authorities (Unitary and Metropolitan Authorities, County Councils, the Greater London Authority for London boroughs and the Council of the Isles of Scilly) will be required to commission domestic abuse support in safe accommodation services across their area based on identified needs. While the responsibility to commission support in safe accommodation will lie with the Tier 1, authorities will be able by mutual agreement to delegate functions, as well as funding, to their Tier 2 authorities. It will be a decision at local level on how to deliver service commissioning to meet the duty.
17. Nonetheless, given that the requirement to commission support in safe accommodation will be the under the Tier 1 responsibility, we propose allocating funding covering support costs across Tier 1 authorities only.
18. We propose funding will be allocated based on population figures in the Tier 1 authority. To do this, we will calculate the % of the population (age 16+ Years)

under each Tier 1 and apply this to the element of funding covering support costs.

19. We propose to use population figures published on the Office for National Statistics (ONS). The latest population estimates for mid-2019 can be found in the link:

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/bulletins/annualmidyearpopulationestimates/mid2019estimates>

20. We also intend to include a factor capturing geographical variation in labour costs across the country. We believe a labour cost adjustment is appropriate because labour costs will make up most of the support costs under the duty (support funding will cover staffing costs for e.g. support workers, refuge managers, children's support staff etc.). We do not believe it is necessary to account for variation in other factors such as business rates.

21. We will consider and welcome views on whether to include the labour costs adjustment factor taken from the existing Area Cost Adjustment (used in the Settlement Funding Assessment as part of the Local Government Finance Settlement), or the updated and improved ACA, which is being developed as part of the Review of Relative Needs and Resources (RRNR). The differences between the two versions include calculation of variations in costs at updated and more granular levels of geography (the updated ACA uses 2017-19 data and provides more granular local authority data), as well as including other factors such as journey times to address issues of sparsity and density. While not yet implemented as part of the RRNR, the new ACA has been used as part of the methodology for distributing the third-tranche of Local Government Emergency COVID-19 Support funding.

More information on the existing ACA can be found here:

<https://webarchive.nationalarchives.gov.uk/20140505105916/http://www.local.councils.gov.uk/finance/1314/methacas.pdf>

More information about the updated ACA can be found in Annex B of the link below:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/901492/200716_Technical_details_on_LGF_package_for_Treasurers_and_FDs_FINAL_.pdf

22. The below demonstrates how support cost funding element will be calculated:

Tier 1 LA Population = X% of England Population

Support funding received by T1 LA = X% of Support funding x labour cost adjustment factor for that authority

For example, Tier 1 authority X equals 5% of England's population, meaning this local authority will get 5% of the total support funding x the labour cost adjustment factor for that authority

Rationale for using a population-based approach for allocation of support cost

23. A population-based approach has been widely agreed upon in the domain of domestic abuse, and the sector often relies on data which uses a population-based approach to estimate the required level of refuge beds in the UK.

24. We have considered whether prevalence level of domestic abuse could or should be taken into account within the allocation formula. However, prevalence of domestic abuse is currently measured through Police data and is unavailable at local authority level. The quality of data also depends on reporting behaviours which may vary from place to place. For example, reporting may be higher in areas with more support services to support victims through the criminal justice system. While the reporting level is likely to be higher where there are more services, this does not necessarily mean that underlying prevalence of domestic abuse is greater than in areas with lower reporting levels. Therefore, we have concluded that the available data is not a direct or reliable indication of prevalence, in addition to not being available at the right geographic level. Moreover, prevalence of domestic abuse does not specifically reflect the need for safe accommodation support.

25. We have also considered whether additional factors should be accounted for, such as deprivation or income level. However, there is limited evidence about causality in the various factors correlating with domestic abuse. In addition, the picture is further complicated because victims often move from one area to another to flee for safety. Given the uncertainty around this evidence and that such a formula will be much more complex to understand and administer, it is likely that the risk of basing funding decisions on these factors outweighs the potential benefit.

26. We have not considered funding allocation based on protected characteristics as there is insufficient evidence of how variation in local population characteristics changes either local demand for support in safe accommodation, or the cost of this provision. We know domestic abuse can affect anyone regardless of their age, gender or ethnic background, and Tier 1 local authorities will be required to commission support to meet the specific needs of all victims and their children

who need safe accommodation in their area, including the particular needs of victims with protected characteristics.

27. Having consulted with analysts and leading academics in the field, we believe a population-based approach which includes adjustment of variation in labour costs, would ensure the most reliable approach.

Questions on the proposed allocation method for support costs

- *Do you agree with the proposed approach for allocation of support costs (population-based formula x labour costs adjustment)? [yes/ no/ comments]*
- *Should the labour costs adjustment factor be taken from a) the existing or b) the updated ACA? [a/ b/ comments]*
- *Are there other factors that should be included in the formula? [yes/ no] - If answered Yes, please provide evidence in support of the argument.*
- *Do you agree that funding element of support costs should be allocated to Tier 1 authorities only? [yes/ no/ comment]*

Proposed allocation method for administrative new burden costs

28. The main part of the duty will be placed on Tier 1 authorities, as published in the consultation response on 14 October 2019¹. Tier 2 authorities will be under a duty to co-operate with the Tier 1 authority as they fulfil these functions. Therefore, we propose the administrative new burden will be allocated to Tier 1 and Tier 2 authorities through different funding pots, to enable them to meet their duty. The funding pot for Tier 1 authorities will be larger, given the larger part of the duty will be under the Tier 1 responsibility.

29. We propose the allocation of administrative new burden for both Tier 1 and Tier 2 authorities will be through an equal split for each authority type, and including the labour costs adjustment factor to cover for variation in geographical costs.

Allocation of administrative new burden for Tier 1 authorities

*Total administrative new burden pot for Tier 1 LAs / Total number of Tier 1 LAs =
administrative new burden received by each Tier 1 LA*

*Each Tier 1 local authority will receive the same amount of the administrative new
burden funding x labour costs adjustment factor*

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/839171/Domestic_Abuse_Duty_Gov_Response_to_Consultation.pdf

30. The rationale for an equal distribution of funding for Tier 1 authorities is that all T1 LAs will be expected to complete the same tasks as they fulfil the new requirements and we do not anticipate the workload to be largely affected by the size of the population. For example, regardless of their size, all Tier 1 authorities will be required to convene a Local Partnership Board, undertake one needs assessment across their area and develop and publish one Domestic Abuse strategy, whether the area has 50k or 500k population. We also do not anticipate that the number of agencies involved in the Local Partnership Board (e.g. Health, police, service providers, etc) or commissioning of services will be determined by the number of people residing under the T1 footprint. We believe that the approach of an equal split for T1 authorities will be most justifiable and fair, providing each T1 authority with sufficient funding to administer the duty. It also has the advantage of being simpler to administer and easier to understand.

Allocation of administrative new burden for Tier 2 authorities

*Total administrative new burden pot for Tier 2 LAs / Total number of Tier 2 LAs =
administrative new burden received by each Tier 2 LA*

*Each Tier 2 local authority will receive the same amount of the administrative new
burden funding x labour costs adjustment factor*

31. An equal allocation of funding for Tier 2 would ensure that all Tier 2 authorities, particularly smaller ones, have sufficient funding to put in place the necessary resource needed to meet the duty. As with allocation of funding for Tier 1, the required tasks will be the same regardless of the population size residing in the area.

Questions for Local Authority views on the proposed allocation method for administrative new burden costs

- *Do you agree with the proposed approach for allocation of the administrative new burden for Tier 1 authorities (equal split +labour costs adjustment)? [yes/ no/ comments]*
- *Do you agree with the proposed approach for allocation of the administrative new burden for Tier 2 authorities (equal split + labour costs adjustment)? [yes/ no/ comments]*
- *Are there other factors that should be included in the formula? [yes/ no] - If answered Yes, please provide evidence in support of the argument.*

Funding route

32. We propose that funding for this duty will initially be paid on an annual basis in the form of an un-ringfenced grant under Section 31 of the Local Government Act 2003² for a period of three years. This will allow authorities to clearly identify the funding associated with the duty, and support MHCLG to monitor spend and impact of the duty, ensuring proper delivery as these new duties bed in.
33. MHCLG intends to undertake a post implementation review of the funding for the duty, including the allocation method, two years after the commencement of the duty.
34. At the next Spending Review, currently expected in 2023, we intend for the duty to become part of the Local Government Finance Settlement.

² <https://www.legislation.gov.uk/ukpga/2003/26/section/31/2003-09-18>

Questionnaire

About you

Q1. Are you answering the consultation as

- a. An individual with personal interest
- b. An individual as a member of an organisation
- c. An Upper Tier Local Authority
- d. A Lower Tier Local Authority
- e. Other

Q2. From the list below, where are you or your organisation based?

- a. London
- b. South East
- c. North West
- d. East of England
- e. West Midlands
- f. South West
- g. Yorkshire and the Humber
- h. East Midlands
- i. North East
- j. National

The proposed allocation method for support costs

Q3. Do you agree with the proposed approach for allocation of support costs (population-based formula + labour costs adjustment)?

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

Q4. Should the labour costs adjustment factor be taken from a) the existing or b) the updated ACA?

- a. The existing ACA
- b. The updated ACA
- c. comments

Q5. Are there other factors that should be included in the formula?

a. Yes

If answered Yes, please provide evidence in support of the argument.

b. No

Q6. Do you agree that funding element of support costs should be allocated to Tier 1 authorities only?

a. Yes

b. No

c. Comments

The proposed allocation method for administrative new burden costs

Q7. Do you agree with the proposed approach for allocation of the administrative new burden for Tier 1 authorities (equal split + labour costs adjustment)?

a. Yes

b. No

c. Comments

Q8. Do you agree with the proposed approach for allocation of the administrative new burden for Tier 2 authorities (equal split + labour costs adjustment)?

a. Yes

b. No

c. Comments

Q9. Are there other factors that should be included in the formula?

a. Yes

If answered Yes, please provide evidence in support of the argument.

b. No

Q10. Is there anything else which was not mentioned in relation to the proposed allocation method and should be considered?

[comments]

About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the EU General Data Protection Regulation, and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex A.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).

Annex A

Personal data

The following is to explain your rights and give you the information you are entitled to under the data protection legislation.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gsi.gov.uk

2. Why we are collecting your personal data

This consultation does not ask for personal data. Respondents should not submit any data relating to victims/perpetrators of domestic abuse in comments spaces, and if any is provided, it will be anonymised or disposed of by the department.

To the extent that any personal data (names, contact details or in the content of responses) is submitted in response to this consultation then MHCLG will apply the provisions in this privacy notice to comply with the data protection legislation.

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

Article 6(1)(e) of the GDPR makes provision for MHCLG to process personal data where that is necessary for the performance of a task in the public interest. Section 8(d) of the DPA2018 states that this includes processing that is necessary for the function of a government department.

3. With whom we will be sharing your personal data

MHCLG intends to share the findings of the consultation with all other Government departments and the public. However, the information provided will be anonymised and we will not include any personal detail if submitted.

4. For how long we will keep your personal data, or criteria used to determine the retention period.

Any personal data will be held for two years from the closure of the consultation.

5. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have all or some of your data deleted or corrected
- d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

6. Your personal data will not be sent overseas.

7. Your personal data will not be used for any automated decision making.

8. Your personal data will be stored in a secure government IT system.

We use SmartSurvey, a third party platform, to collect data through this consultation. Therefore, your data will be stored on SmartSurvey's secure UK-based servers in the first instance. Data will be moved from SmartSurvey to MHCLG's internal IT system within six months of the consultation closing. Data will be held on our internal system for a maximum of two years from the consultation closing date, then deleted

End