

From: Roger Gough, Leader of the Council
Sue Chandler, Cabinet Member for Integrated Children's Services
Richard Smith, Corporate Director Adult Social Care and Health
Sarah Hammond, Corporate Director Children, Young People and Education

To: Children, Young People's and Education Cabinet Committee - 18 July 2023

Subject: Domestic Abuse Act Framework 2023-2025

Decision Number: 23/00060

Classification: Unrestricted

Past Pathway of report: Adult Social Care Cabinet Committee - 6 July 2023

Future Pathway of report: Cabinet Member decision

Electoral Division: All

Summary: This report advises of the 2023-2025 Domestic Abuse Act funding allocation provided by the Department of Levelling Up Housing and Communities (DLUHC), its intended purpose, criteria and proposals for spend across multiple directorates.

It is proposed that a 'Domestic Abuse Framework' will be used to determine further spend of Domestic Abuse Act funding and support decision making which will place responsibility and accountability as well, as Strategic oversight, in a centralised position. With the Leader exercising the full Executive function as the decision-maker, operational decision-making and implementation activity, within the scope defined by the Framework agreed by the Leader, will be delegated to Officers.

In view of the cross-cutting nature of the activity, input and comments are sought from members of the Cabinet Committee.

Recommendation(s): The Cabinet Committee is asked to **CONSIDER** and **ENDORSE** or make **RECOMMENDATIONS** on the proposed decision as set out in the Proposed Record of Decision (PROD) shown at Appendix 1

1. Introduction

1.1 The Domestic Abuse (DA) Act 2021 introduced new statutory duties to Local Authorities in relation to support for those who have experienced domestic

abuse (adults and children) residing in 'safe accommodation' which includes refuges, Sanctuary Schemes, move-on and dispersed accommodation.

- 1.2 As a Tier 1 Local Authority, KCC are required to appoint a multi-agency Local Partnership Board (LPB) to support them in performing certain specified functions. These are to:
 - Assess the need for accommodation-based support for those experiencing domestic abuse and their children, including those who require cross border support.
 - Prepare and publish strategies for the provision of support to cover the locality and diverse groups of people impacted by domestic abuse.
 - Give effect to strategies by making commissioning/de-commissioning decisions to meet the support needs of people impacted by domestic abuse and their children.
 - Monitor and evaluate local delivery of the strategy.
 - Report back to Central Government.
- 1.3 New DA Act funding was announced to enable local authorities '*to fulfil the functions of the new statutory duty relating to the provision of support to victims of domestic abuse and their children residing within safe accommodation.*'
- 1.4 Key decision (21/00040) was taken in March 2021 to accept £3.1m DA Act funding for use in 2021-2022, in line with the Memorandum of Understanding issued by the Government.
- 1.5 The statutory Kent LPB was established and is supported by the cross directorate New Burdens Funding Steering Group, to manage and maintain oversight of the new DA Act funding.
- 1.6 In February 2022, a second annual allocation of £3,112,501 was announced and a Key Decision (22/00040) was taken in May 2022 to accept and use this funding for delivery of domestic abuse support in safe accommodation duties, as defined by the Domestic Abuse Act, and delegate authority to the Corporate Director Strategic and Corporate Services, in consultation with the Leader, the Corporate Director Adult Social Care and Health and the Corporate Director Children, Young People and Education, to accept future years' allocations of safe accommodation funding, provided funding is given on similar terms.
- 1.7 The countywide assessment of need was refreshed, with a focus on safe accommodation support, and published in January 2022. This identified gaps in now statutory provision including:
 - Barriers in people who are experiencing domestic abuse and have co-occurring conditions being able to access safe accommodation,
 - Inequitable support offer across the county for children residing in safe accommodation (who under the Act are now identified as survivors, in their own right)
 - Limited opportunities to move on from refuge,
 - Geographical variation in Sanctuary provision,
 - Need to increase opportunities and support in safe accommodation for males who have experienced domestic abuse.

- 1.8 The Kent and Medway DA Strategy was updated, with a focus on support within safe accommodation, and published in line with the new requirements. The commitments made within this document were agreed by all partner agencies across the Kent and Medway Domestic and Sexual Abuse Executive Group, who also monitor progress of the multi-agency delivery plan.
- 1.9 Proposals for spend across 2022-2023, were developed in line with the needs assessment findings, strategy, and agreed by the Corporate Management Team in July 2022 with areas of spend across staffing, refuge and safe accommodation projects. An update paper was shared with the Policy and Resources Cabinet Committee in October 2022, reporting on the expenditure of the DA Act funding and associated activity.

2. Domestic Abuse Act funding 2023-2025

- 2.1 In December 2022, DLUHC announced the Local Authority Domestic Abuse Duty: 2023 to 2024 and 2024 to 2025 funding allocations.
- 2.2 Table 1 shows the allocations for Kent.

Table 1, DA Act funding allocations (Kent)

Year	2023-2024	2024-2025
DA Act funding allocation (Kent)	£3,174,764.00	£3,234,663.00

- 2.3 In line with delegated authority (Decision 22/00040) An Officer Decision (OD 23-0002) was taken by the Chief Executive, to accept the councils 2023-2024 and 2024-2025 DA Act funding allocation, including.
- To delegate acceptance of any future monies to the Corporate Director Finance, providing funding is given on similar terms.
 - To delegate management and oversight of the expenditure of the DA Act funding to the Corporate Director Adult Social Care and Health, in line with the arrangements set out under Key Decision 22/00040

3. 2023-2025 Activity

- 3.1 Due to domestic abuse being cross cutting, activity sits under more than one directorate and portfolio holder. Key decisions have been taken by the appropriate Cabinet Member, as required.

3.2 Table 2 shows Key Decisions taken for domestic abuse projects to be delivered in 2023.

Table 2, DA projects

Project	Directorate	Details	Decision Number
Safe Accommodation Support Service	Children, Young People and Education	Support offer for children residing in all forms of 'safe accommodation'	23/00007
Property Security element of the Sanctuary Access for Eligible Residents Scheme	Adult Social Care and Health	Property Security applied to a survivor's home to enable the council to maximise its support offer in 'safe accommodation'	23/00022

4. Domestic Abuse Framework

- 4.1 It is proposed that a 'Domestic Abuse Framework' will be used to determine further spend of DA Act funding and support decision making.
- 4.2 The Framework decision approach places responsibility and accountability as well, as Strategic oversight, in a centralised position. With the Leader exercising the full Executive function as the decision-maker, operational decision-making, and implementation activity, within the scope defined by the Framework agreed by the Leader as part of this decision, is delegated to Officers.
- 4.3 In view of the cross-cutting nature of the activity, with implications for Adult and Children services, the matter requires consideration by the relevant Cabinet Committees. Input and comments from Members in these forums are considered at the point of final decision by the Executive Member.
- 4.4 Under this Framework all expenditure of DA Act funding must be in line with budget forecasting and adhere to the DLUHC Guidance and Memorandum of Understanding terms. Additionally, proposals for spend must meet one of the following criteria.

A. Will support the council in conducting its statutory functions under the DA Act which include assessing need, preparation, publication, monitoring and delivery of strategies, commissioning activity and mandatory reporting back to central Government.

B. Will improve, develop, or maintain specialist support to people who have experienced domestic abuse (adults and children) residing in 'safe accommodation', as defined by the DA Act, (this includes Refuge accommodation, Specialist Safe accommodation, Dispersed accommodation, Sanctuary Schemes and Second stage accommodation) to meet gaps identified through the needs assessment.

4.5 Examples of projects that would meet the criteria include.

- Engagement project to develop and maintain engagement with people who have experienced domestic abuse.
- Development of new services to increase the reach of the existing support offer to survivors residing in a property that is part of a Sanctuary Scheme.

4.6 Work is underway to plan activity for 2023-2025, of which all adhere to the proposed Framework criteria. Delivery of some of this activity includes using the councils existing contractual relationship through the Kent Integrated Domestic Abuse Service (KIDAS) which runs until March 2026.

4.7 This planned activity is summarised in Table 3.

Table 3, Planned DA activity areas 2023-2025

Activity area	Summary	In line with budget and adheres to DLUHC Guidance and MoU	In line with Framework criteria A or B
Staffing resource	Resources across multiple teams to lead in assessing need, preparation, publication, monitoring and delivery of strategies, conduct commissioning activity to procure new services.	Yes	A
	Analytical support to assist with data returns, collation and analysis for the needs assessment and lead survivor engagement.	Yes	A
Safe Accommodation support	Continuation of domestic abuse support delivered to adults who have experienced domestic abuse, residing in refuges across the county. This support includes advocacy, safety planning and therapeutic programmes.	Yes	B
	Intensive specialist Independent Domestic Violence Advisor (IDVA) support for people residing in safe accommodation who have co-occurring conditions and experienced domestic abuse, to address gaps in service identified through the needs assessment.	Yes	B

	Enhanced access to therapeutic support for adults residing in refuge to reduce barriers for individuals with co-occurring conditions.	Yes	B
	Development of a countywide Sanctuary Scheme including a Single Point of Access and specialist domestic abuse support for those residing in properties that have eligible property security applied.	Yes	B
	Safe Accommodation pilot for males who have experienced domestic abuse.	Yes	B
	Increased capacity in commissioned services to increase opportunities and outcomes in relation to move on from refuge.	Yes	B
Domestic Abuse Housing Alliance	Project enabling the housing sector to adopt an established set of standards and become accredited to improve the response to domestic abuse cases.	Yes	B

Adjusting proposals

- 4.8 The DA Act requires the countywide needs assessment to be refreshed annually and renewed every three years. The council must also prepare and publish strategies. The current Kent and Medway DA Strategy is for the period of 2020-2023. A new strategy for 2024-2029 is being drafted with partners.
- 4.9 The Domestic Abuse Framework therefore requires the council to have the ability to deliver pilots, short-term services and expeditiously realign existing DA Act funded services, to meet the changing needs and demands of people who have experienced domestic abuse, providing all revised proposals meet the criteria set out in point 4.4.

Monitoring and reporting

4.10 The cross directorate New Burdens Funding Steering Group will support the Local Partnership Board in monitoring the expenditure of DA Act funding and meeting reporting requirements to central Government.

4.11 Activity will be reviewed periodically, with any updates subject to consideration against the framework approved by this decision and the associated Grant agreement requirements.

4.12 Updates on progress against delivery will be taken annually to the Policy and Resources Cabinet Committee.

5. Domestic Abuse Act funding post 2025

5.1 Whilst the council's response to the Act and progression in relation to the new statutory duties has been robust, the initial lack of clarity and late notification from DLUHC around future funding allocations created barriers in staff retention and delays in progression of some projects, resulting in an underspend of the full annual grant amount.

5.2 At the end of 2021-2022 £1,043,441.74 was transferred into reserves, with the agreement of DLUHC and the Corporate Director of Finance, to continue to support the council in delivering new services in 2022/23.

5.3 At the end of 2022-2023 a further £989,453.03 was transferred into reserves therefore at the start of 2023-2024 there is a total of £2,032,894.77 DA Act funding held in reserves.

5.4 DA Act funding allocations beyond April 2025 are not likely to be announced before the end of 2024 therefore the funding held in reserves supports the council and partners by.

- Acting as a 'smoothing reserve' - supporting the council's financial resilience by allowing timely planning and response should there be a reduction in future allocations from DLUHC, ensuring the council has sufficient funding to meet contractual notice arrangements.
- Maintaining compliance with the DA Act and terms of the Guidance.

5.5 This funding will be used to respond to future need, but without recurring grant funding, it will only cover a limited period of activity.

6. Options considered but rejected

6.1 The option of turning down the DA Act funding was discarded as there are many people in Kent who will benefit from this resource, and it supports the council to meet its statutory duties.

6.2 The option for handling all DA Act funding activity on an individual basis, with certain projects managed at operational level and others progressing via the Key Decision process as and when required was considered. That option would

not enable the council to respond quickly and flexibly to changing demand and need or provide a clear strategic plan for delivering against the DA Grant requirements.

7. Strategic priorities

- 7.1 This decision supports the Council's strategic priorities in Framing Kent's Future – Our Council Strategy.
- 7.2 The DA Act funding furthers collaboration with our partners and delivery against the Kent and Medway DA Strategy. This partnership response to domestic abuse ensures better care and support for the people of Kent, improving the health of Kent's population. Proposals for spend are informed by the countywide needs assessment and aim to ensure there is an equitable response to domestic abuse across Kent, supporting the narrowing of gaps in outcomes across the county.

8. Legal Implications

- 8.1 The Local Authority has a statutory obligation to meet the duties set out in the Domestic Abuse Act 2021, including to provide support for people who have experienced domestic abuse residing in what is defined as 'safe accommodation'.
- 8.2 Implementing the Domestic Abuse Framework (section 4.4) will support the delivery of activity across 2023-2025 (Table 3) and support the council in meeting its statutory duty and use of the funding in accordance with the guidance set by Government, and terms and conditions of the grant. Specific legal implications for operational or funding allocation activity will be considered through the delegated decision-making as normal.

9. Financial Implications

- 9.1 Since 2021, Kent County Council (KCC) has received new, DA Act funding to implement the new duties. The initial lack of clarity and late notification from DLUHC around future funding allocations created barriers in staff retention and delays in progression of some projects, resulting in an underspend of the full annual grant amount.
- 9.2 Unspent funding from 2021-2022 and 2022-2023 totalling £2,032,894 has been transferred to reserves, to be drawn down and used for domestic abuse safe accommodation support services in 2023-2024.
- 9.3 The estimated expenditure of DA Act funding in line with implementing the Domestic Abuse Framework (section 4.4) across 2023-2025 is shown in Table 4.

Table 4, Estimated expenditure of DA Act funding 2023-2025

		Year	
		2023-2024	2024-2025
INCOME	Grant funding from 2021/22 and 2022/23 transferred to Reserves	£2,032,894.77	£1,616,612.88
	DA Act funding allocation	£3,174,764.00	£3,234,663.00
TOTAL BUDGET		£5,207,658.77	£4,851,275.88
FORECAST EXPENDITURE (includes Staffing, Strategy costs, Support in Refuge and Safe Accommodation projects)		£3,591,045.89	£4,474,199.79
BALANCE		£1,616,612.88	£377,076.09

- 9.4 Funding held in reserves at the end of 2024-2025 will be spent in 2025-2026 to support the full duration of the two-year Safe Accommodation Support Service (SASS) and Sanctuary Access for Eligible Residents (SAFER) contracts, ensuring the council has sufficient funding to meet contractual obligations and maintain support delivered within safe accommodation.
- 9.5 Regular financial monitoring reports will be produced and shared with the Corporate Director of Finance and Corporate Director Adult Social Care and Health.
- 9.5 Throughout 2023-2025 planning will be undertaken on how services can be maintained should DLUHC not provide any further Grant allocations for DA Act duties.

10. Equalities implications

- 10.1 An Equality Impact Assessment (attached as Appendix 2) has been conducted and found the impact of this work to be positive across all groups. Specific service arrangements made via the Framework will incorporate necessary equality consideration as part of Officer level decision-making.

11. Conclusion

- 11.1 The Domestic Abuse (DA) Act 2021 introduced new statutory duties for Local Authorities in relation to support for people who have experienced domestic abuse (adults and children) residing in 'safe accommodation' and new funding to fulfil these functions.
- 11.2 Grant funding for 2021-2023 has been accepted through two Key Decisions taken by the Leader and used in line with findings from the countywide needs assessment and Kent and Medway DA Strategy.
- 11.3 In December 2022, DLUHC announced the Local Authority Domestic Abuse Duty funding allocations until 2025 and acceptance has been confirmed via

delegated decision making under Key Decision 22/00040. Funding beyond 2025 is unlikely to be known before the end of 2024.

- 11.4 Due to domestic abuse being cross cutting, activity sits under more than one directorate and portfolio holder. Key decisions have been taken by the appropriate Cabinet Member, as required. On occasion, matters related to domestic abuse will require separate decision-making, but this decision provides a clear governance route and accountability arrangement to allow for effective cross-portfolio decision-making at the commissioning and spend level, within the scope set out by the Framework.
- 11.5 Implementing the Domestic Abuse Framework (section 4.4) supports the council in meeting its strategic priorities and statutory duties under the DA Act.
- 11.6 The future work programme requires the council to have the ability to deliver pilots, short-term services and expeditiously realign existing DA Act funded services, to meet the changing needs and demands of those who have experienced domestic abuse. Using a Framework model to provide a Strategic Policy decision confirming the type and scope of activity to be progressed in meeting the DA Act requirements, while delegating the detailed operational decision-making on commissioning and service specific spend supports the council's ability to be agile in this space and respond swiftly to this key area of work, noting the vulnerability and significant risk factors affecting people experiencing Domestic Abuse.

12. Recommendation

12.1 Recommendation: The Cabinet Committee is asked to **CONSIDER** and **ENDORSE** or make **RECOMMENDATIONS** on the proposed decision as set out in the Proposed Record of Decision (PROD) shown at Appendix 1

13. Background Documents

- [Key Decision 21/00040](#)
- [Key Decision 22/00040](#)
- [Officer decision – OD/23/0002](#)
- [Key Decision 23/00007](#)
- [Key Decision 23/00022](#)
- [Policy and Resources Committee paper, 11 October 2022](#)
- [Domestic abuse - Kent Public Health Observatory \(kpho.org.uk\)](#)
- [Domestic Abuse Strategy - Kent County Council](#)
- EQiA

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