

SERIES

Ensuring an inclusive & effective domestic abuse bill for all women

TOPIC

Improving accountability in local government responses to domestic abuse & VAWG



KEY POINTS

- + The move to localism has resulted in the delegated responsibility for domestic abuse and VAWG service provision to local government at a time of huge local budget cuts; recent high-profile failures – ranging from Rotherham to Grenfell Towers – has increased public concern about the ability of local government to deliver their new responsibilities (para 1-4)
- + Local authority & PCCs' responsibilities and budgets to commission services have created a complex local commissioning environment and resulted in inconsistency in service provision (especially for refuges) and lack of accountability at the local level (para 5-7)
- + The Government's VAWG Strategy is not currently delivering the outcomes they seek at the local level; greater scrutiny and accountability must occur at the local level to ensure local authorities continue to operate within a human rights framework (para 8-9)
- + Implications for the Domestic Abuse Bill
 - > The Domestic Abuse Bill must ensure that the Government focuses greater efforts on improving and standardising local government responses to domestic abuse & VAWG
 - > The new Domestic Abuse Commissioner must be given effective powers to be able to hold local authorities to account in real terms
 - > The non-legislative package accompanying the Domestic Abuse Bill should include provision that the Home Office provides guidance to local authorities on minimum standards of service provision, specifically for protected, vulnerable and minority groups

CHANGES IN COMMISSIONING OF DOMESTIC ABUSE AND VAWG SERVICES

- 1 Since 2010, England has experienced a profound and fundamental restructuring in who is responsible for the commissioning and provision of public services, including domestic abuse and violence against women support services, and how funding is allocated for these services. As the Government's approach to domestic abuse has until now been framed largely within the national Violence Against Women and Girls (VAWG) strategy, this briefing note evaluates local government's response to both domestic abuse and VAWG more broadly.¹
- 2 The Localism Act of 2011 changed the power of local government in England by devolving decision-making to local authorities. It was followed in 2012 by the creation of Police & Crime Commissioners (PCCs),² community-elected local officials responsible for the overall performance and monitoring of the local police force (replacing now-abolished police authorities). On 1 October 2014, the Government devolved the commissioning of most victims' services to the 42 PCCs.³ This replaced the former system where services were provided in the main by Government at national level. Finally in 2016, the Government brought in the Cities and Local Government Devolution Act which promoted a new legal structure of 'combined authorities' with directly elected mayors (a 'mayoral combined authority').⁴

1 VAWG services include helplines, refuges or sheltered housing, counselling and recuperative support services, legal advice, access to police and health services, outreach services, youth services and awareness raising.

2 The role of PCC was established under the Police Reform and Social Responsibility Act 2011. The Act also established the Mayor's Office for Policing and Crime in London.

3 There is an elected PCC for each of the 40 police force areas across England & Wales, except Greater Manchester and London, where PCC responsibilities lie with the Mayor.

4 Via the 2016 Act, the Secretary of State may decide to establish a combined authority, if the councils in the relevant area consent, and an existing combined authority may be changed into a mayoral combined authority via an Order from the Secretary of State. Mayoral combined authorities have the ability to undertake functions related to economic development, regeneration, transport and some other statutory functions.

- 3 In parallel, the Government introduced in 2010 an austerity strategy which saw unprecedented national and local budget cuts. From 2009/10 – 2014/15, Government funding⁵ for local authorities fell by 28% in real terms with that reduction reaching 37% by 2015-16⁶ and set to reach 56% by 2019-20.⁷ This resulted in an average reduction in councils' spending power from 2009/10-2015/16 of 26%⁸ with some councils losing up to 40%.⁹
- 4 The impact of both policies was that local authorities and PCCs were given significant new powers – and responsibilities – for commissioning and delivery of services (among them, domestic abuse and wider VAWG services), at a time of huge cuts to resources. The crises around adult social care, child sexual exploitation (in Rotherham, Telford and elsewhere), supported housing and refuges have made national news and initiated a national debate on whether local authorities are fit to deliver their increased responsibilities; the Public Inquiry and investigation into the Grenfell Tower disaster in London has raised even more serious questions regarding public authorities' compliance with their obligations under the Human Rights Act 1998.

A COMPLEX LOCAL COMMISSIONING CONTEXT

- 5 One of the complexities of the devolved responsibilities for services is that both local authorities and PCCs have responsibilities and budgets to commission services, but their geographical areas of operation are different. As a result, priorities and strategies often differ between entities; pooling of budgets is difficult; and crime/service data and statistics – critical to informing and directing policy responses and funding decisions – often either do not correlate to local authority areas of control or are inadequately disaggregated to ensure that the needs of protected groups are properly integrated into decision-making.
- 6 For domestic abuse and VAWG service providers, this has led to an increasingly complex policy and funding landscape. Chart 1 illustrates one example of a devolved local authority commissioning and management structure for VAWG services as configured in Newcastle. The diagram illustrates only one model of current practice. Research conducted by Sisters for Change in 2017 across 6 local authority areas across England revealed that each had a different approach to commissioning VAWG and domestic abuse services, with different reporting and funding lines and different levels of collaboration.¹⁰
- 7 Local commissioning also impacts domestic abuse service provision in a unique way. The focus at the local level of providing services for local residents has a limitation when it comes to refuge provision, as women victims of male violence often need to be resettled from one local area to another for their own safety (to escape an abuser). Women's Aid says this is the case for 77% of women in refuges. Local authorities, however, are often reluctant to take on the associated costs and support services for 'non-resident' women (i.e. women from other local areas), especially when it comes to providing places in refuges or local housing and impose caps on the number of non-local women able to access a refuge.¹¹ The result is that victims are turned away or refused support. The problem is particularly acute in London.

5 Figures relate to central government funding provided in the form of an annual grant from the Ministry of Housing, Communities and Local Government to local authorities. Other sources of local authority income include Council Tax, Business Rates, income from services and other grants.

6 National Audit Office, *The impact of funding reductions on local authorities*, November 2014.

7 David Phillips, *Local government and the nations: a devolution revolution?* Institute For Fiscal Studies, 26 Oct. 2016.

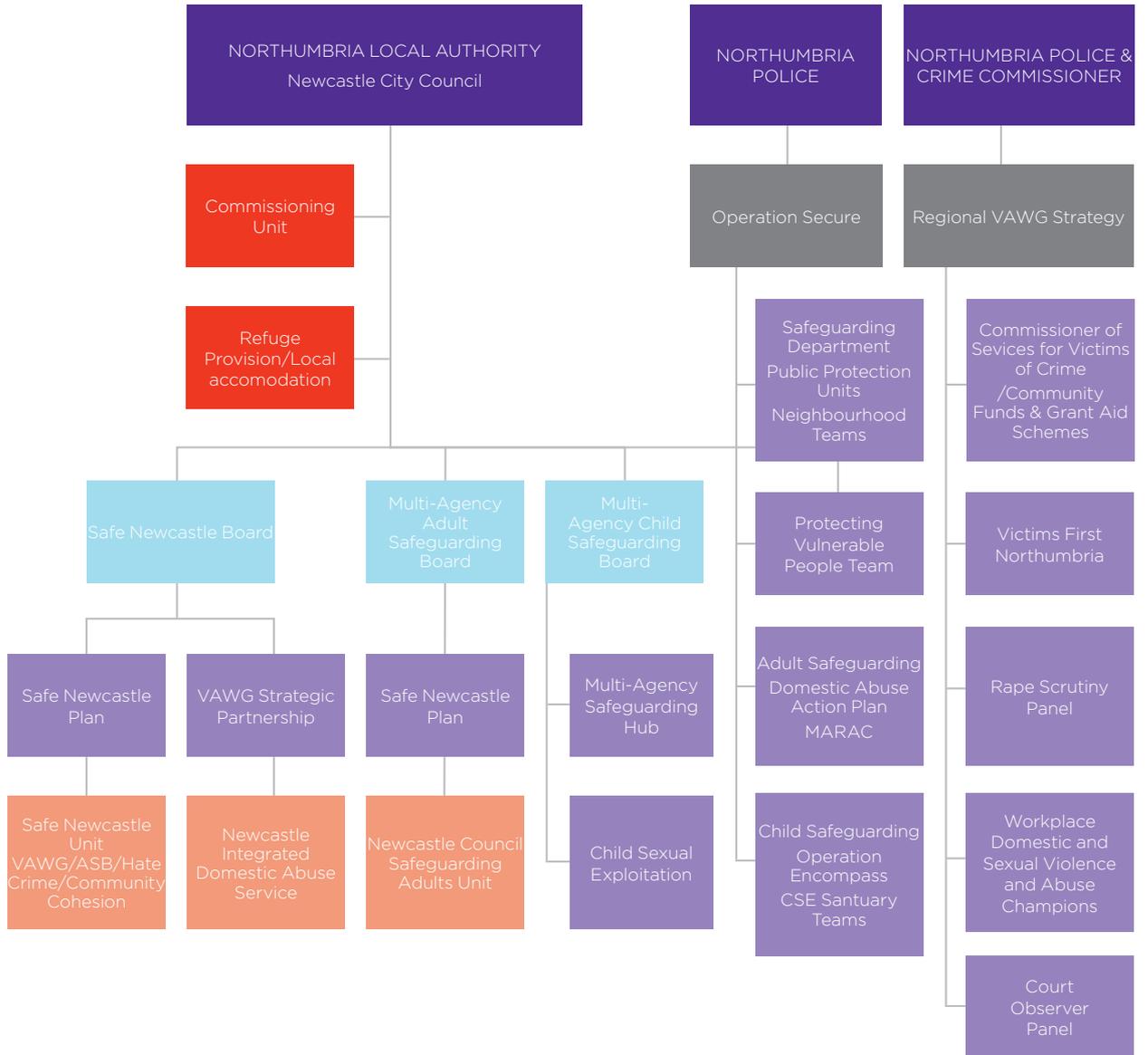
8 Ibid.

9 Funding cuts were not uniform and hit most severely local authorities that received the largest share of their funding from government grants. They saw a reduction in spending of up to 40%.

10 See Sisters For Change report, *Unequal Regard, Unequal Protection: Public authority responses to violence against BME women in England* (November 2017), <http://sistersforchange.org.uk/unequal-regard-unequal-protection/>

11 Evidence presented in Women's Aid 2014 Report, *SOS: Save refuges, save lives - Women's Aid data report on specialist domestic violence services in England* shows that from April-July 2014, 3 local authorities issued tenders that included 'local connection' rules, whereby 70-80% of refuge spaces commissioned by the council had to be for women and children from the local area.

CHART 1: An example of local authority organisational structures related to VAWG



LACK OF CONSISTENCY AND ACCOUNTABILITY IN LOCAL DOMESTIC ABUSE/VAWG SERVICE PROVISION

- 8 The current lack of consistency of service provision and lack of clear accountability of local government works to the detriment of women victims of domestic abuse and violence, and stands in direct contrast to the vision articulated in the Government VAWG strategy, which outlines a local operational model “overseen by strong local leadership, with a single person clearly accountable for provision, and underpinned by pooled budgets so that funding can follow women’s needs rather than being artificially constrained by service boundaries.”¹²
- 9 Improving this current status quo should be achieved through the new Domestic Abuse Bill – as the UN Special Rapporteur on VAWG highlighted in 2014, following her visit to the UK: “a shift towards a localism agenda should come with safeguards and guarantees that local authorities will continue to operate within the human rights framework and in compliance with the UK’s international obligations when addressing the issue of violence against women.”¹³



RECOMMENDATIONS FOR THE DOMESTIC ABUSE BILL

- + Localism has led to a diverse, inconsistent array of domestic abuse and VAWG services and a failure to ensure accountability. The Domestic Abuse Bill must ensure that the UK Government focuses greater efforts on improving and standardising local authority and PCC responses to and commissioning of domestic abuse and VAWG services.
- + The new Domestic Abuse Commissioner must be given effective powers to be able to hold local authorities to account in real terms and address the concerns raised in relation to scrutiny of local government highlighted by the Housing, Communities and Local Government Select Committee in their December 2017 report.¹⁴ For more specific details on the powers and functions of the Commissioner, see Sisters For Change Briefing Note 4.
- + The non-legislative package accompanying the Domestic Abuse Bill should include a requirement that the Home Office provides guidance to local authorities on minimum standards of service provisions, specifically for protected, vulnerable and minority groups, to ensure local authorities can be held more accountable if they discriminate or fail to protect all women victims of violence.
- + Government Domestic Abuse Consultation questions relevant to this recommendation: Q7, Q8, Q9, Q10, Q37

CONTACT

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¹² Home Office, *Ending Violence against Women and Girls, Strategy 2016 – 2020* (March 2016), p11

¹³ UN Special Rapporteur on VAW, *Special Rapporteur on violence against women finalizes country mission to the United Kingdom and Northern Ireland and calls for urgent action to address the accountability deficit and also the adverse impacts of changes in funding and services*, UN Office of the High Commissioner on Human Rights, April 2014.

¹⁴ Housing, Communities & Local Government Select Committee, *Effectiveness of local authority overview and scrutiny committees*, December 2017. <https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/369/36902.htm>