

Executive

MHCLG Consultation: Future Funding and Delivery of Accommodation-based Domestic Abuse Services Item No 5

Report by: Doug Flight **Job title:** Strategic Policy Lead

Date: 18th June 2019

Contact Officer: Catherine Dunn

Telephone: 020 7934 9909 **Email:** catherine.dunn@londoncouncils.gov.uk

Summary: MHCLG have put forward proposals for future funding and delivery of accommodation-based domestic abuse services in England from 2020, including refuges. Under these proposals, the GLA would take a role in convening a partnership board to oversee the strategy and commissioning of these services in London, as well as delivery of central government funding. This would be underpinned by a statutory duty on the GLA as a 'Tier 1' authority. Boroughs would have a statutory duty as 'Tier 2 authorities' to co-operate with the work led by the GLA, i.e. to engage with the board to support its core functions. This would include conducting needs assessments in local areas and commissioning where relevant.

This report outlines the proposals set out in the White Paper, provides background on the London context and seeks a steer from Members in advance of a London Councils response.

Recommendation: Members of the Executive are asked to:

1. Consider the proposals outlined below in relation to London and local commissioning of domestic abuse services.
 2. Offer a steer to inform a London Councils' response to the consultation proposals and to comment on:
 - The potential benefits of a pan-London approach.
 - The role of boroughs and London Councils in a pan London governance arrangement.
 - The potential role of the London Councils Grants Programme within this model
-

Future funding of accommodation-based support for domestic abuse survivors

Introduction

1. Through the course of last year, MHCLG carried out a review into the funding and delivery of accommodation-based support services for domestic abuse survivors, including an audit of local authority commissioning for all domestic abuse provision. This formed part of a wider programme of work accompanying the Domestic Abuse Bill and findings have informed the development of a new model for funding accommodation-based support services from 2020.
2. A White Paper was published on 13th May by MHCLG based on findings from this review: 'Domestic Abuse Services: Future Delivery of Support to Victims and their Children in Accommodation-based Domestic Abuse Service'. The White Paper concludes that, while there are examples of good practice in local commissioning and strategy, more needs to be done to ensure that provision works fairly across the country and that support is available to all victims and children.
3. Accommodation-based domestic abuse support does not just refer to refuge provision, but the multiple support services which help survivors and their children stay safe and recover in their accommodation. This can include resettlement support, floating support, support for children or 'Sanctuary schemes' (preventative measures which increase security in a tenancy to help prevent a survivor being made homeless as a result of the abuse). It can also include move-on and dispersed accommodation.
4. The proposals from MHCLG aim to establish a new system for funding refuges and other accommodation-based support services from 2020. From 2016, MHCLG have contributed £40 million to refuges and related accommodation support services through two rounds of competitive grant funding.

The current commissioning landscape in London for refuges

5. The commissioning landscape for refuges and related services is complex with funding coming from a variety of sources, including local authorities, direct from MHCLG and through the London Councils' Grants Programme. Information is available on the number of refuge places that are available across boroughs in London, however detail

on spend and funding streams is not available. The audit carried out by MHCLG was intended to gather robust data on local spend and provision, however this has not yet been published.

6. The London Councils Grants programme has funded Women's Aid to develop an interactive dashboard on use of refuges in London, using data from the national Routes to Support Database. This data shows that London compares favourably to other regions in terms of the provision of refuge spaces. There are 892 refuge spaces in London boroughs, 23% of the total refuge provision in the whole of England. Last year, 1,187 women and 1,011 children were placed in London refuges. There is still a high rate of unsuccessful referrals to refuge across London (on average over 60%), which indicates continuing challenges in access to refuge and safe accommodation. Budgets for refuge services and associated support have also been affected by reductions to core local authority resources over recent years.
7. London Councils' Grants Programme also funds a consortium of specialist refuges through the Specialist Refuge Network project on a pan-London basis for survivors of abuse with additional needs, including No Recourse to Public Funds. This represents a significant investment of £3.36 million over four years (2017-21), £840,000 per year.
8. Investment in refuge provision has historically varied across boroughs, reflecting local decision making. Refuges are considered a local resource, but can be seen as part of a London-wide pattern of provision, given that they are typically used by those from outside a local authority area; For example, data from Routes to Support for 2018-19 shows that only 3% of women in one London refuge came from the borough in which the refuge was situated.
9. A number of commissioners and providers have called for a more strategic, London-wide approach to refuges and related provision. One of London Councils' Pledges, as agreed by Leaders' Committee, makes a commitment to establish a pan-London approach for commissioning refuges. Work is underway to progress this in collaboration with key partners. The model put forward by MHCLG could present some opportunities and a framework to progress this.

MHCLG proposals for future funding arrangements

10. The core aims set out in the White Paper are to uplift provision, deliver funding on a more sustainable basis and increase accountability. This would see MHCLG move away from short-term grant-based competition approaches, towards allocating funding through a larger geographical footprint for local delivery. It is expected that this would sit alongside local investment in provision.
11. The White Paper states that local authorities are best placed to lead the commissioning of support for victims and their children. It proposes a multi-agency framework to oversee the delivery of central funding, underpinned by a statutory duty with local authorities taking a lead role.
12. To allow a more strategic approach across larger geographical areas, the proposals make a distinction between 'Tier 1' and 'Tier 2' local authorities, for the purposes of the model:
 - Tier 1: County Councils, Metropolitan Councils, Unitary Authorities and – in the case of London – the GLA (as a 'lead authority').
 - Tier 2: District councils and London boroughs

The inference is that the proposed arrangements in London reflect the exceptional number of cross-border placements within what is seen as a pan-London pattern of provision.

13. The Tier 1 lead authorities will have a duty to convene a multi-agency Local Domestic Abuse Partnership Board (see diagram in [Appendix 1](#) for an overview). The lead authority would perform specified functions, in line with statutory guidance which will be published by the Secretary of State:
 - Assessing need and demand for accommodation-based support
 - Developing an area-wide strategy to meet support needs of victims and their children across the locality
 - Making commissioning/decommissioning decisions
 - Monitoring and evaluating local delivery and reporting to government on progress.
14. Tier 2 local authorities would have a duty to cooperate with the Local Domestic Abuse Partnership Boards. London boroughs would be expected to provide data to inform local

needs assessments, contribute to strategy development and commission services where relevant.

15. The White Paper envisages that the membership of the partnership board would bring together local authorities, CCGs, Public Health, Police, Housing Associations and Sector Experts, but also reflect the specific needs of an area. The paper states that consideration should be given to whether existing partnership structures can be used to exercise these functions. For London, it may be appropriate to establish a new board, to reflect the extent of the work involved and complexities of the commissioning landscape.
16. MHCLG propose that partnerships would have flexibility to decide at what level services are commissioned locally and the White Paper states that central government funding would be provided to facilitate this. While not set out explicitly in the paper, MHCLG officials have advised that they envisage the pan-London investment would sit alongside, rather than replace local investment and commissioning. The needs assessment and strategies developed by the partnership board could inform local commissioning, but the board's direct commissioning remit relates specifically to MHCLG funding.
17. The Secretary of State, Rt Hon James Brokenshire MP, has stated that his department has earmarked £90 million to deliver the proposals, however a full assessment of cost is yet to be conducted. This would also be subject to the outcome of the Comprehensive Spending Review. A 'Call for Evidence' has accompanied the consultation to assist with costings. Given the level and complexity of need in London, it will be critical that these costings reflect the resources required to administer the model and the level of demand, taking trends in population growth and churn into account.

Areas for consideration

18. Borough officer networks in London were engaged as part of an informal consultation process to inform development of proposals. Initial feedback indicated support for a move away from short-term grant-based funding and towards increased resources to uplift provision. The potential for commissioning more strategically and improving the provision of data was also highlighted, but concerns were raised about protecting local provision and pathways, as well as the risks of disincentivising local investment.

19. With a view to informing a London Councils position, the Executive may wish to give their consideration to key areas of the proposals:

- The potential opportunity provided by the proposed approach to establish a more strategic approach to refuges and accommodation-based services.
- How pan-London governance might be best framed within this model?
- How London Councils and in particular its Grants Committee could add value to these proposals.

20. The Executive may consider that the proposed approach is helpful as a platform to support progress towards a more strategic, pan-London approach to commissioning refuges and related accommodation-based support. As envisaged in the White Paper, the approach could offer improved co-ordination of commissioning with needs assessments informing commissioning on a local and London-wide level. The parameters of local commissioning and investment and the interaction with the pan-London level remain to be determined and are likely to be a key concern for boroughs.

21. If the Executive is minded to support the pan-London approach outlined in this model, consideration would need to be given to the details of future governance. The proposed model is illustrated in Appendix A. This envisages a key role for the GLA in the funding and delivery of accommodation-based support services as a Tier 1 authority, given their responsibilities for investment and procurement in London services, in particular with regards to housing, homelessness and rough sleeping.

22. The Executive may wish to consider how governance could be strengthened, to ensure that boroughs play a central role in a Partnership Board and its decision-making. For example, given the key role of boroughs, we could argue for robust borough representation on the board and a borough co-chair, nominated through London Councils.

23. There are likely to be constitutional limitations to the direct role that London Councils could play in governance and delivery. A 'Tier 1' authority would be subject to a statutory duty and obliged to deliver on the associated responsibilities. Section 48 of the Local Government Act 1985 enables boroughs to fund voluntary action through a joint scheme provided by boroughs, namely the London Councils Grants Programme. However, the functions outlined in the proposed model would sit outside

this or other London Councils joint committee powers. There are associated implications for the body that takes on Tier 1 responsibilities relating to resources, commissioning and procurement expertise as well as a level of reputational risk.

24. Nonetheless, the London Councils Grants Programme may offer opportunities to add value. London Councils has experience, through the Grants programme, of commissioning domestic and sexual violence services on a pan-London basis for delivery on a local level. Through well-established consortia and partnerships, it benefits from economy of scale while supporting smaller, specialist providers, such as BAME organisations. This aligns with the priorities outlined by MHCLG in the proposals and suggests that the London Councils Grants programme could be a key delivery partner under the proposed model.

Conclusions

25. The approach outlined in the Government's proposals offers opportunities to work towards a more strategic, pan-London approach to providing refuge and accommodation-services for survivors of domestic abuse – one which reflects the current pattern of use. In particular, the model offers a framework and governance model that could support work towards a pan-London approach to refuge provision, grounded on local delivery and informed by local and pan-London needs assessments. However, the question remains of how effectively this would operate alongside local investment and commissioning.

26. To help form the basis of a London Councils response, the Executive is asked to offer a steer on the following:

- The potential benefits of a pan-London approach through this model.
- The role of boroughs and London Councils in a pan London governance arrangement.
- The potential role of the London Councils' Grants Programme within this model.

27. It is proposed that a formal response from London Councils is drafted for clearance by Cllr Jas Athwal, Executive Lead for Crime and Public Protection, taking account of the steer from the Executive.

Background Papers

Appendix A: Overview of proposed model and partnership arrangements.

MHCLG White Paper:

'Domestic Abuse Services: Future Delivery of Support to Victims and their Children in Accommodation-based Domestic Abuse Services'

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/801097/DA_Consultation_Document.pdf

Financial implications for London Councils

Proposals are at the consultation stage and costings for delivery have not been published.

Legal implications for London Councils

There are likely to be constitutional limitations to the direct role that London Councils could play in governance and delivery. S48 of the Local Government Act would not be sufficient to cover the Tier 1 authority role, as this confers grant-making powers only.

Equalities implications for London Councils

There are no direct equalities implications for London Councils as a result of this paper. However, core elements of the propositions are targeted at improving outcomes for survivors of abuse with protected characteristics, in particular gender, disabilities, LGBT and insecure immigration status.

APPENDIX A

MHCLG Model: GLA as Tier 1 authority, London boroughs as Tier 2 authorities

