

Committee:	Date:
<b>Safer City Partnership Board</b>	27 September 2021
Subject: <b>Domestic Abuse Act 2021</b>	Public
<b>Report of</b> Remembrancer <b>Report Author</b> Philip Saunders, Parliamentary Affairs Counsel	For Information
<b>Summary</b>	
<ul style="list-style-type: none"> <li>• The Act clarifies the definition of ‘domestic abuse’</li> <li>• The GLA - and through it the City Corporation – is given new obligations</li> <li>• Victims with secure tenancies will have their tenancy status protected if they need a new tenancy because of domestic abuse</li> <li>• An independent Commissioner is established</li> <li>• New civil orders are created</li> </ul>	
<b>Recommendation</b>	
That the contents of this Report are noted.	

## Background

1. The Bill arose from a Government manifesto commitment to introduce measures that “support all victims of domestic abuse”. During debates on the Bill it was noted that there are about 2.3 million victims of domestic abuse a year aged 16 to 74 (one-third of whom are men) and that domestic abuse equates to more than one in ten of all offences recorded by the police. The office engaged on the drafting of the bill in its application to the City.
2. The Bill had a long gestation period, originally introduced in January 2019 and reintroduced in 2020, the Bill received Royal Assent at the end of the previous Parliament.

## Political Background

3. The Lord Chancellor, Robert Buckland, lamented that, “on average, more than two individuals, the majority of whom are women, are killed each and every week in a domestic homicide.” He said the Government’s plans were aimed at protecting victims from abuse and to “ensure that they are

effectively supported as they reset their lives.” Such measures included the creation of new obligations on regional authorities such as the GLA to assess the need for and provide necessary accommodation for victims of domestic abuse, he said.

4. Labour’s spokesman, Nick Thomas-Symonds, told MPs that “the Metropolitan police reported that in the six weeks up to 19 April, officers across London had made 14,093 arrests for domestic abuse offences—nearly 100 a day on average.” He gave guarded support to the Bill but called on the Government to work faster and provide more funding. Former shadow Home Secretary Diane Abbott said the Bill “represents a real step forward.” During markedly non-partisan debates, Labour and SNP Members supported the Bill’s measures.
5. Highlighting the plight of children, City MP Nickie Aiken noted they “are often the hidden victims of domestic abuse, simply considered to be witnesses and not directly affected” but children’s development, educational attainment and long-term mental health can be profoundly affected, she said. Welcoming the Bill, former PM and long-time campaigner against domestic abuse, Theresa May, urged police officers and local authorities to look at the past experience of the New York Police Department where “random contact with or visiting of homes where there are known perpetrators or where there have been reports of domestic violence” had proved useful in tackling abuse. Sir Bob Neill welcomed proposals to isolate victims from alleged perpetrators during court proceedings, but he warned “That cannot be done on the cheap.” Doughty campaigner on many social issues, Tim Loughton (Con) told MPs that “One in five victims of domestic homicides is aged over 60, and there has been a 40% increase in the last two years in the number affected by domestic abuse. There is also a disproportionate impact on those from BAME communities.”

## **Current Position**

6. The Act creates a statutory definition of domestic abuse. ‘Abusive behaviour’ is defined, subject to limited qualifications, as any of the following:
  - i. physical or sexual abuse

- ii. violent or threatening behaviour
- iii. controlling or coercive behaviour
- iv. economic abuse
- v. psychological, emotional or other abuse

7. The definition includes children in their own right.
8. Legal bodies such as the Law Society gave particular welcome to the inclusion of economic abuse as a form of domestic abuse.
9. In London, the GLA must assess the need for accommodation-based support in its area (for example, in refuges), prepare and publish a strategy for the provision of such support in its area, and monitor and evaluate the effectiveness of the strategy. In undertaking these steps, the GLA must consult with a range of interested parties including London boroughs and the City Corporation. In relation to the provision of support to victims of domestic abuse, the Act empowers the GLA to request co-operation from a borough “in any way”, so far as is reasonably practicable, that it considers necessary.
10. The effect of the Act is that a ‘partnership board’ comprising stakeholders from the voluntary sector, local authorities, victims, and health care sectors must be established by the GLA for its area. The GLA is expected to chair the board which must include at least one person representing the interests of: the boroughs; victims of domestic abuse; children of domestic abuse victims; charities and other voluntary organisations that work with victims of domestic abuse; persons who provide or have functions relating to health care services; and policing and criminal justice agencies. Subject to these minimum requirements, the composition of the board is a matter for the GLA.
11. Where a local authority tenant or a member of their household has been a victim of domestic abuse and a new tenancy is granted in connection with the abuse, the Act requires local authorities, including the City Corporation, to grant a new secure tenancy to a tenant or a member of their household when re-housing an existing lifetime social tenant. Alternatively, an authority may offer an existing secure tenant a new sole tenancy in their home.
12. The Act establishes the office of Domestic Abuse Commissioner who has wide-ranging powers, described by Home Office Minister Victoria Atkins as “to stand up for victims and survivors, raise public awareness and hold both agencies and government to account in tackling domestic abuse.”

Part of the monitoring function is to have oversight of the response of local authorities, the justice system and other statutory agencies in relation to tackling domestic abuse. The Commissioner, Nicole Jacobs, was formerly the CEO of the charity Standing Together Against Domestic Violence.

13. The Act now includes domestic abuse as a priority need when making a homelessness application.
14. Of interest to the City Police, the Act introduces two new legal orders, similar to ASBOs, intended to better protect the safety of victims in the immediate aftermath of an abuse offence. Both types of orders take the form of civil injunctions and may be dealt with in civil, magistrates' and family courts. The first type of order, a Domestic Abuse Protection Notice (DAPN), may be issued by a senior police officer (an inspector or above) and may contain provisions such as a prohibition on the perpetrator contacting the victim (including via social media or e-mail), a geographic exclusion zone, or a requirement to leave certain premises. The order is intended to be used directly after a domestic abuse incident.
15. The second type of order, a Domestic Abuse Protection Order (DAPO), can be applied for by victims and certain other parties. In instances where a police officer issues a DAPN, the appropriate chief officer must apply to a magistrates' court for a DAPO. In all cases, a DAPO can be applied for before and after instances domestic abuse.
16. In the City, there are about 25-30 domestic abuse reports each quarter. These reports are made by City workers (who feel safer reporting abuse while they are away from their home environment) as well as City residents. Reflecting the dual sources of domestic abuse reporting, during the lockdown periods reports have decreased. There was a significant decrease of 14% in reporting between October and December 2020 in comparison to October to December 2019. In November and December 2020 there were 6 reports each month.
17. In terms of action taken against abusers, during 2019/20, 73% of domestic abuse charges resulted in a conviction; of these, 62% were guilty pleas, which is generally thought to indicate a high quality of prosecution evidence (referenced in the City of London Police Annual Performance Report, 2019-20).

## **Corporate & Strategic Implications**

18. The two new legal orders will be available to the City Police as tools to tackle domestic abuse.
19. Prior to any requirements imposed under the Act, the Director of Children and Community Services, whose department leads on this subject area, had established arrangements which commissioned 'refuge-type' accommodation for those suffering domestic abuse and similar emergency situations. A team within the department handles issues regarding housing provision in such circumstances. This accommodation was and is commissioned directly by the Corporation and is not part of the health and social care arrangements with Hackney.
20. In addition, the Corporation provides an immediate emergency accommodation suite to cater for cases where there is an urgent need for a safe place.
21. Uniquely in London, the Corporation accepts reports of domestic abuse from tourists and visitors (including workers) in addition to residents. This is particularly helpful to those staying in hotels or coming into the City as workers who need to avoid raising the issue within their local community. For non-residents, the Corporation provides initial support, guides victims through the reporting process, and facilitates their contact with the appropriate authorities.
22. Officers have met (and will continue to meet) the GLA as part of that body's wider work on tackling domestic abuse. The duties imposed on the GLA have prompted it to consult with the City Corporation and London boroughs on conducting surveys of residents about domestic abuse and other types of violence. The development of a GLA strategy, in respect of which the City is a consultee, has no fixed timescale, but indications are that it will be prepared in 2022.
23. Any secure tenants of the City Corporation who suffer domestic abuse will be entitled to a new secure tenancy if their housing status changes as a consequence of domestic abuse. The appropriate officers are aware of this requirement.

## **Consultation**

24. The Department of Children and Community Services have been consulted in the preparation of this Report.

## **Appendix**

City of London Police, Annual Report.

<https://www.cityoflondon.police.uk/SysSiteAssets/media/downloads/city-of-london/about-us/annual-report-2019-final.pdf>

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