

DA ACT 2021 GUIDANCE DOCUMENT

The DA Act 2021 in Bromley

The Domestic Abuse Act 2021 provides further protections to the millions of people who experience domestic abuse and strengthens measures to tackle perpetrators. From the 29 April the Domestic Abuse Bill was given Royal Assent and is now legislation as the Domestic Abuse Act 2021.

For the first time in history there is a wide-ranging legal definition of domestic abuse which incorporates a range of abuses beyond physical violence, including emotional, coercive, or controlling behaviour, and economic abuse.

The 2021 Act aims to:

- **Protect and support victims – to enhance the safety of victims and the support they receive**
- **Transform the justice process – to provide support to victims throughout the justice process and an effective response to perpetrators to end the cycle of abuse**
- **Improve performance – to drive consistency and better performance in the response to domestic abuse**
- **Promote awareness – put domestic abuse at the top of everybody’s agenda.**

The structure of governance to implement the Act is split into Tier 1 and Tier 2 boroughs. Tier 1 boroughs will be required to appoint a Domestic Abuse Local Partnership Board to support them in undertaking local needs assessments, including in developing and monitoring local strategies. Tier 2 boroughs take direction from their Tier 1 governance. Bromley is Tier 2 and will take direction from Greater London Authority as London’s Tier 1.

A new clearer definition of Domestic Abuse has been published in the Act:

Domestic Abuse Act 2021

Definition of “domestic abuse (DA)”

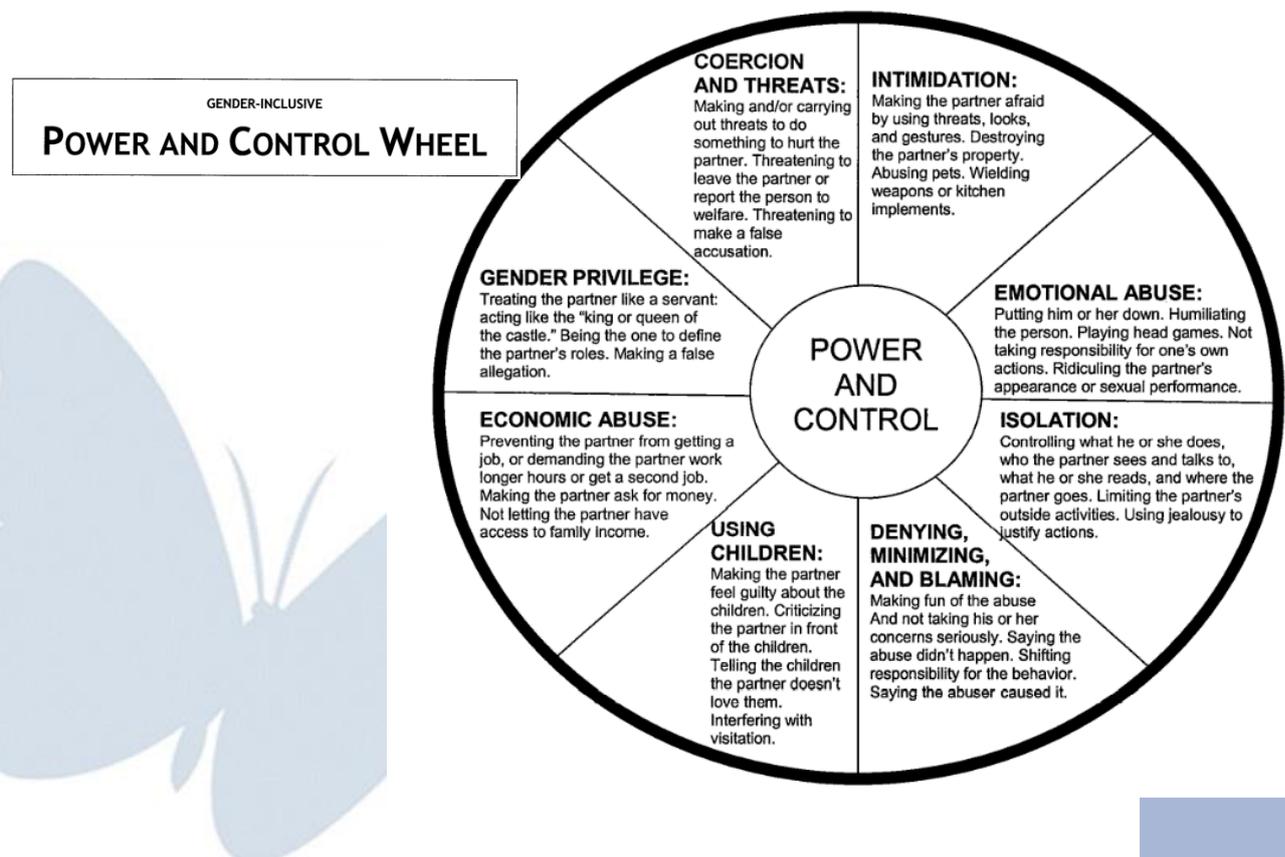
Behaviour of a person (A) towards another person (B) is “domestic abuse” if—

- A and B are each aged 16 or over and are personally connected to each other, and
- The behaviour is abusive.

Behaviour is “abusive” if it consists of any of the following—

- physical or sexual abuse
- violent or threatening behaviour
- controlling or coercive behaviour
- economic abuse (see subsection (4))
- psychological, emotional, or other abuse

It does not matter whether the behaviour consists of a single incident or a course of conduct.



Key Changes:

Criminal Justice System

- Extend the controlling or coercive behaviour offence to cover post-separation abuse.
- Extend the offence of disclosing private sexual photographs and films with intent to cause distress (known as the “revenge porn” offence) to cover threats to disclose such material.
- Create a new offence of non-fatal strangulation or suffocation of another person.
- New protections and support for victims ensuring that abusers will no longer be allowed to directly cross-examine their victims in the family and civil courts and giving victims better access to special measures in the courtroom to help prevent intimidation – such as protective screens and giving evidence via video link.
- Police will also be given new powers including Domestic Abuse Protection Orders (DAPOs) providing victims with immediate protection from abusers, while courts will be able to hand out Domestic Abuse Protection Orders to help prevent offending by forcing perpetrators to take steps to change their behaviour, including seeking mental health support or drug and alcohol rehabilitation
- Place the guidance supporting the Domestic Violence Disclosure Scheme (“Clare’s law”) on a statutory footing.

Services and Approaches

- The creation of (local) Domestic Abuse Partnership Boards, representation on which to include LA, Police, Health, DA providers, Charities/Voluntary services, and separate persons to represent the interests of victims and children.
- We now use the term domestic abuse instead of domestic violence recognising other forms of abuse in addition to physical violence

- The age of victims and perpetrators of domestic abuse now starts at 16 years old instead of 18. Younger than this is considered child abuse
 - Explicitly recognises children as victims if they see, hear, or experience the effects of abuse
 - Literature and the narratives around domestic abuse is now gender inclusive recognising that while this is a predominantly female victim crime it is important it is recognised as an issue that affects all genders
 - Social economic abuse is included in the domestic abuse description
 - There is an expectation for more work to be done with perpetrators including stalkers and this is to be implemented within a year of the DA Act
 - Those who are homeless because of domestic abuse are given priority need for accommodation secured by the local authority
 - place the guidance supporting the Domestic Violence Disclosure Scheme (“Clare’s law”) on a statutory footing
-

What this means for services

Social Care

In the UK, domestic abuse is the most common risk factor identified by social workers in assessments and is a key driver of need for children’s social care

Social workers should receive training, so they have the relevant knowledge and skills that are set out in the Knowledge and Skills Statements for child and family social work. The ‘Post-qualifying Standard: Knowledge and Skills Statement for Child and Family Practitioners’ (KSS) clearly states that practitioners should be able to identify the impact of adult problems, including domestic abuse and the effect it has on children

Social workers should view every family member as one part of a complex picture and include perpetrators in the picture as far as possible. It is important that there are multiple channels of engagement to challenge perpetrators to identify, understand and change behaviour. This should not sit solely within the criminal justice system.

The act also puts the domestic violence disclosure scheme, commonly known as 'Clare's Law', on a statutory footing for the first time; it's a scheme where social workers can play a critical role. A disclosure under the Domestic Violence Disclosure Scheme (Clare's Law) may be generated by a:

- Right to know obligation on the police to disclose; or
- Right to ask application from a member of the public.

A person can apply for a disclosure under the 'right to ask' if they are concerned about whether a partner or potential partner has a history of abusive behaviour. Third parties can also seek a disclosure if they are worried that a someone is at risk.

As such, where social workers are made aware that someone, they are working with is experiencing domestic abuse or may be vulnerable to it, they should report their concerns to the police, and can seek information about whether a perpetrator has a previous history of domestic abuse. This can help them to intervene and support the victim and their family.

The Safeguarding Adults Boards analyse domestic abuse data to identify trends and gaps in the local offer.

Housing

The Act has extended priority need (from 5th July 2021) to victims and their children who are eligible for assistance and homeless because of domestic abuse. This will mean that councils will no longer need to consider if a victim is vulnerable as result of their abuse to access refuges or temporary accommodation.

MHCLG has revised the statutory homelessness legislation which makes clear their expectations of local authorities needing to meet the needs of all victims, including those who present from outside of the locality.

Ensure that where a local authority, for reasons connected with domestic abuse, grants a new secure tenancy to a social tenant who had or has a secure lifetime or assured tenancy (other than an assured shorthold tenancy) this must be a secure lifetime tenancy.

This will help to ensure victims do not remain with their abuser for fear of not having a roof over their head.

Health

The Domestic Abuse Act 2021 includes provisions to widen the scope of Domestic Abuse Protection Orders so perpetrators can be compelled to be assessed for a perpetrator intervention programme, attend a mental health assessment or an assessment for a drugs or alcohol programme.

Young People

It is vital that young people (now from 16+) who experience domestic abuse within their own relationships are also referred through the multi-agency risk assessment (MARAC) and are supported in a way that is specifically tailored to their needs. Individuals with a specialist understanding and experience of young people and the intricacies of 'peer-on-peer' abuse, such as Young People's Violence Advisors (YPVA), should be involved in the multi-agency response. Services designed for adult victims of domestic abuse are not always appropriate for young people who have experienced abuse in their own relationships

Perpetrators

Introduce a statutory duty on the Secretary of State to publish a domestic abuse perpetrator strategy (to be published as part of a holistic domestic abuse strategy)

Provide for a new Domestic Abuse Protection Notice and Domestic Abuse Protection Order, which will prevent perpetrators from contacting their victims, as well as force them to take positive steps to change their behaviour, e.g., seeking mental health support

Local areas commission safe, effective perpetrator programmes

Enable domestic abuse offenders to be subject to polygraph testing as a condition of their licence following their release from custody

Employers

Any employer with a substantial headcount is likely to have some employees affected by domestic abuse, either as victims or perpetrators. Domestic abuse reduces work performance, increases absenteeism, and ultimately may result in staff leaving. As such, employers have an important role to play in supporting victims of domestic abuse.

The Employers' Initiative for Domestic Abuse (EIDA) is a network of over 300 employers, working together to encourage employers to do more to tackle domestic abuse. EIDA has published a toolkit which provides employers with guidance and information on domestic abuse, to help them better understand the scope of the problem and subsequently improve the support available to their employee <https://www.eida.org.uk/toolkit-for-employers>



What are we already doing in Bromley?

Bromley has recently produced its new Domestic Abuse Strategy for 2021-24. This has been signed by a wide range of partners showing a borough wide support in tackling domestic abuse. Bromley's message is that challenging domestic abuse is everyone responsibility. It is important that every service in Bromley considers how they are challenging domestic abuse and how they can further develop support for victim and survivors.



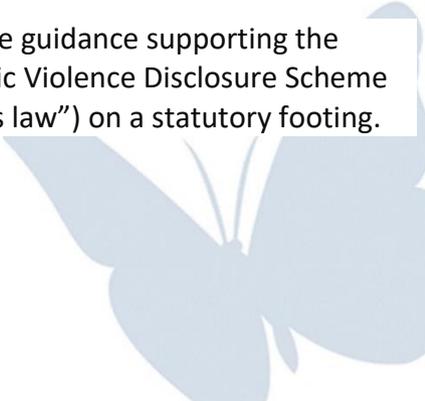
The strategy focusses in the following key priorities:

- ✚ Promoting the message that tackling DA is everyone's and every agency's responsibility
- ✚ Commissioning effective services to support victims of DVA and VAWG
- ✚ Challenging perpetrators and exploring interventions that measure the change in their behaviour.
- ✚ Increasing and developing our existing training offer on DA and VAWG to improve local responses to victims and survivors, and their families
- ✚ Introducing DA ambassadors to support staff in the workplace

Bromley's Local Offer:

The London Borough of Bromley works with Bromley and Croydon's Women's Aid and other key stake holders to provide support to victim and survivors, and to tackle perpetrator behaviour:

- ✚ Refuge places to women and children at risk of domestic abuse
- ✚ Multi Agency Risk Assessment Conference (MARAC) focussed on high-risk victims
- ✚ Independent Domestic Violence Advocacy (IDVA's) from BCWA, IRIS and Victim Support
- ✚ DRIVE- Domestic Abuse Perpetrator Panel (DAPP) disruption programme focussed on high harm, high risk perpetrators
- ✚ One Stop Shop- Free confidential advice to victim survivors
- ✚ Freedom Programme- women's survivors support group
- ✚ Children of Domestic Abuse (CODA) Course for mothers and their children who have experienced domestic abuse
- ✚ Ask for Ani codeword scheme has been launched in Bromley pharmacies

Domestic Abuse Bill Commitments	London Borough of Bromley's Response
<p>1. Creating a statutory definition of domestic abuse, emphasising that domestic abuse is not just physical violence, but can also be emotional, coercive or controlling, and economic abuse.</p>	<p>All training courses on domestic abuse will include this definition with specific training courses on economic abuse and coercive control. All providers and referral pathways also adopt this definition.</p>
<p>2. Placing a duty on local authorities in England to provide support to victims of domestic abuse and their children in refuges and other safe accommodation.</p>	<p>LBB currently meet the obligation with our refuge spaces. We have recommissioned refuge provision within the borough, which provides specialist support and services to victim and their children fleeing domestic abuse and supports them to find safe, move on accommodation.</p>
<p>3. Create a statutory presumption that victims of domestic abuse are eligible for special measures in the criminal, civil and family courts.</p>	<p>LBB commissions IDVAs to offer support to victims through family and civil court cases.</p>
<p>4. Clarify by restating in statute law the general proposition that a person may not consent to the infliction of serious harm and, by extension, is unable to consent to their own death.</p>	<p>Updated in training review</p>
<p>5. Place the guidance supporting the Domestic Violence Disclosure Scheme ("Clare's law") on a statutory footing.</p> 	<p>Updated in training review</p> <p>Encourage usage through multi-agency specialist groups and panels.</p> <p>To be updated on LBB domestic abuse page.</p> <p>To be included in DA newsletter</p>

<p>6. Provide that all eligible homeless victims of domestic abuse automatically have 'priority need' for homelessness assistance.</p>	<p>LBB have amended all Housing policies, letters, and communication to ensure they are in line with the updated Homelessness legislation, in line with the DA Act 2021.</p>
<p>7. Ensure that where a local authority, for reasons connected with domestic abuse, grants a new secure tenancy to a social tenant who had or has a secure lifetime or assured tenancy (other than an assured shorthold tenancy) this must be a secure lifetime tenancy</p>	<p>LBB are reviewing and updating the Council's Allocation's policy and ensure the Council and Registered Social Landlords are in-line with the new requirements of the DA Act 2021, when granting tenancies.</p>
<p>8. Must send a copy of every Domestic Homicide Review to the Domestic Abuse Commissioner</p>	<p>LBB will amend the DHR procedure to capture the statutory return to the Commissioner with regards the DHR reviews.</p>
<p>9. It is an offence to make threats to disclose private sexual photographs and films with intent to cause distress</p>	<p>LBB will include this in their training package</p>

Domestic Abuse Act Guidance Links:

- **[Domestic Abuse Act 2021 \(legislation.gov.uk\)](https://legislation.gov.uk)**
 - **[Domestic Abuse Act 2021: overarching factsheet - GOV.UK \(www.gov.uk\)](https://www.gov.uk)**
 - **[Domestic abuse support within safe accommodation: statutory guidance and regulations consultation - GOV.UK \(www.gov.uk\)](https://www.gov.uk)**
-