

Committee: Cabinet

Date of meeting: 16 March 2023

Title of Report: Domestic Abuse Supported Accommodation – Use of Department for Levelling Up Housing and Communities Grant

Report by: John Readman, Executive Director - People

Cabinet Member: Deborah Earl, Cabinet Member for Public Health and Community Services

What is the Report About? (Executive Summary)

1. On the 29 April 2021, the Domestic Abuse Act 2021 (the Act) was granted Royal Assent.
2. The Act includes a new duty on Tier 1 local authorities (unitary and metropolitan authorities, county councils, the GLA for London boroughs and the Council of the Isles of Scilly) in England to provide support for victims and their children within safe accommodation.
3. The use of the funding is restricted by the DLUHC grant conditions. The DLUHC grant only covers revenue expenditure relating to the functions set out in the new statutory duty (within the Domestic Abuse Act) on Tier 1 Local Authorities relating to the provision of support to victims of domestic abuse and their children residing within safe accommodation.
4. This report makes recommendations in relation to the proposed spend for 2023/2024 in line with DLUHC Guidance.

Recommendation of the Executive Director

Cabinet is asked to:

1. approve the use of the DLUHC supported accommodation grant as outlined in paragraphs 13 and 14
2. Note that Cumberland and Westmorland and Furness Councils will need to do the following:
 - i. Enter into a grant agreement with Barrow Women Community Matters (Westmorland and Furness Council)
 - ii. Approve spend against existing contract for Eden Housing (Westmorland and Furness Council)
 - iii. Enter into grant agreements, one with each of the organisations to provide community-in-reach support services as set out in paragraphs 13 and 14 (both Councils)
 - iv. Enter into a grant agreement with the OPCC to deliver service being provided by Victim Support (both Councils)

- v. Continue to fund the DA Survivors Network via contract (both Councils)
- vi. Continue to fund Springfield via contract (Westmorland and Furness)

Background to the Proposals

- 5. For year 2022-2023, DLUHC announced a one-year funding settlement for Cumbria County Council to fulfil its Statutory Duties under the Domestic Abuse Act of £998,535
- 6. The approved spend was agreed as follows:

District Councils Provision of Domestic Abuse Supported Accommodation Workers	
Allerdale Borough Council	100,425
Barrow Borough Council	108,794
Carlisle City Council	173,054
Copeland Borough Council	83,688
Eden District Council	41,844
South Lakeland District Council	33,475
Total	542,265
Community In-reach Services	
Barrow Women Community Matters	20,740
The Freedom Project	15,555
Springfield	9,396
Birchall Trust	15,555
Women Out West	13,982
SafetyNet	15,555
Gateway For Women	10,000
OPCC for Victim Support- Children's Independent Domestic Violence Advisors	88,145
Barrow Women Community Matters- Domestic Abuse Lived Experience Network services	18,801
Springfield Domestic Abuse Support in South Lakeland for Supported Accommodation	34,801
CCC- Internal Health and Wellbeing Coaches (HAWCs)	77,250
CCC- To provide in reach work to women who are in supported accommodation as part of the PAUSE Programme	5,000
CCC- to create 1 new and support 4 existing Internal Support roles	121,600
Contingency	10,912
Total	998,535

7. In addition to the Tier 1 grant, the six District Councils received the following grant allocations for 2022 – 23:

Allerdale	£32,084
Barrow	£33,075
Carlisle	£32,341
Copeland	£34,852
Eden	£33,382
South Lakeland	£33,099

8. In broad terms, these grants were used to underwrite the cost of staffing to liaise with the functions associated with Domestic Abuse, funded the work between Cumbria County Council, monitoring the grant agreement along with data returns. It also supported the operational and management functions associated with Temporary Accommodation Units held by all District Councils.

Details of proposals for 2023/2024

9. For the year 2023/24, in line with Local Government Reform, DLUHC have combined the Tier 1 and Tier 2 grants and then disaggregated them to the new councils. This has resulted in a grant to Cumberland Council to the value of £663,085 (54%) and Westmorland and Furness Council to the value of £565,068 (46%)
10. It should be noted that the grant allocations for the two new authorities do not match the previous levels of spend – with Cumberland receiving less grant than previous spend, and Westmorland and Furness receiving more. The proposals for 2023/24 take this into account and allocate a 2022/23 underspend by Allerdale Borough Council to partially offset this. This also accounts for the Westmorland and Furness contingency amount
11. It is proposed that this is allocated as follows, based on real costs of staffing allocated across authorities with a 3% rise for commissioned services:

12. Cumberland Council

Cumberland Council Domestic Abuse Supported Accommodation Officers 10 FTE Staff	359,915
Community In-reach Services	
The Freedom Project	16,022
Women Out West	8,394
SafetyNet	16,022
Gateway for Women	15,588
ChIDVA	45,395
HAWC	40,575
PAUSE	2,781
Project Support	53,824
Performance and Intelligence, Commissioning	17,098

Lived Experience Network	10,491
Housing Support	101,530
Contingency	15,352
Total Spend	704,429
Funded by	
Carry Forward of Allerdale underspend	41,345
DLUHC Grant	663,085

14. Westmorland & Furness Council

Westmorland and Furness Council Domestic Abuse Supported Accommodation Officers - 5.5 FTE Staff	194,701
Community In-reach Services	
Barrow Women Community Matters	21,362
Springfield	9,678
The Birchall Trust	16,022
ChIDVA	45,395
HAWC	40,575
PAUSE	2,369
Springfield Supported Hostel for Women	35,845
Lived Experience Network	8,584
Project Support	39,762
Performance and Intelligence, Commissioning	14,565
Housing Support	102,543
Contingency	33,669
Total	565,068

Staffing

15. In Copeland, Allerdale, South Lakeland and Carlisle, the Domestic Abuse Supported Accommodation Officers are directly employed by the relevant district council. Those currently employed by Allerdale Borough Council, Copeland Borough Council, Carlisle City Council and South Lakeland District Council will TUPE over to the relevant authority under LGR as of 1st April 2023.

16. In Barrow, staffing is provided a Voluntary Community Faith and Social Enterprise organisation- Barrow Women Community Matters- and in Eden by a Registered Provider of Social Housing- Eden Housing. It is proposed that this system continue via grant from Westmorland and Furness Council in respect of Barrow Women Community Matters and via Contract with Eden Housing.

Independent Domestic Violence Advisers (IDVA)

17. IDVAs are commissioned from Victim Support by the Office of the Police and Crime Commissioner (OPCC). Victim Support, in conjunction with the OPCC, have successfully bid to the Ministry of Justice for funding to provide children's IDVAs.
18. In 2021/22 & 2022/23, Cumbria County Council funded an additional 2 FTE staff to offer services to children in Domestic Abuse Supported Accommodation recognising that children are victims in their own right under the Domestic Abuse Act. This was done through a grant agreement to the OPCC who then amended their contract with Victim Support.
19. It is proposed that this continue in 2023/24- with 50% of the funding from each new Authority, with one staff member allocated to each Authority.

Additional Health and Wellbeing Coaches (HAWC)

20. In 2021/22 & 2022/23, Cumbria County Council internally vired funding to employ two additional HAWCs to support individuals with multiple complex needs within supported accommodation.
21. This coaching helps service users to stabilise their situation and enable them to take control of their lives. This initial outreach from HAWCs into supported accommodation would enable a relationship to be built and deliver meaningful impact when an individual is most vulnerable.
22. It is proposed that this continue in 2023/24- with 50% of the funding from each new Authority, with one staff member allocated to each Authority.

PAUSE Project Support

23. Cumbria County Council has been supporting a successful project to support women who have multiple children. A number of these women have complex needs including being a victim/survivor of domestic abuse. New funding is being allocated to the project to enable them to provide in reach work to women in their programme who are in supported accommodation.
24. It is proposed that this continue in 2023/24- with 50% funding from Cumberland and 50% from Westmorland & Furness.

Community Support In-reach & Support for Children

25. A key risk with this programme is that the constraints imposed by the DLUHC grant conditions means that the funded support cannot continue after a person leaves supported accommodation.

26. In order to mitigate this, it is proposed to continue to use existing community groups to provide in-reach and support work within supported accommodation.
27. This style of working is already underway through existing arrangements between Cumbria County Council, Women Community Matters, West Cumbria Women to Women (Women Out West), The Freedom Project, The Birchall Trust, SafetyNet, Gateway for Women and Springfield and is considered to be working well.
28. It is proposed to continue with existing arrangements. This will mean that survivors are provided with additional accommodation-based support - linking them in with the community sector. Doing this ahead of someone leaving supported accommodation ensures a managed transition following the move into permanent residency, mitigating the risk of “Cliff Edge” withdrawal of service.
29. As outlined earlier in this report, the Domestic Abuse Act classifies children as victims in their own right. As well as providing specific support for children through the expanded IDVA service outlined above and associated training, it is proposed that community groups provide additional, specific support for children in supported accommodation.
30. It is proposed that this continues in 2023/24- with funding allocated to new authorities based on the district level work currently undertaken.

Springfield Women’s Refuge – Supported Accommodation

31. Cumbria County Council also has a contract with Springfield Domestic Abuse Support in South Lakeland in Kendal to provide supported accommodation for female victims of domestic abuse. The contract has been extended for one year It is proposed that this be funded from the Westmorland and Furness Grant.

Lived Experience Network

32. This was commissioned following a tendering exercise in November 2021. The Network is co-ordinated by Barrow Women Community Matters with a Cumbria Wide Footprint.
33. The Network feed into the current Domestic Abuse Group on a quarterly basis. Responses are given via a ‘You said, We did’ format. The network welcome this feedback and that their voices are being heard.
34. This was previously agreed to continue until 31st March 2024. It is proposed that this continue with 55% funding from Cumberland and 45% from Westmorland & Furness.

Project Support

35. Under existing arrangements, CCC fund the following internal posts:
- Project Lead for Domestic Abuse- will TUPE to Cumberland
 - Programme and Project Officer for Domestic Abuse- will TUPE Westmorland & Furness
 - Performance and Intelligence Support- 55% Cumberland, 45% Westmorland and Furness
 - Commissioning Support- 55% Cumberland, 45% Westmorland and Furness.

Future Plans

- 36: DLUCH have announced the budget for 2024/2025 as follows:
Cumberland £675,242
Westmorland and Furness £576,077
37. It is proposed to refresh the Domestic Abuse Needs Assessment which was last completed in 2021, to assess current need, quality of delivery and ensuring that access to support for Victims of DA is consistent. The outcome of this will lead to a new commissioning exercise in advance of 2024/2025.

Options Considered and Risks Identified

38. It is recommended that the Cabinet approve the allocations as set out in Option 1 below. All options were consulted on with the Safer Cumbria Domestic Abuse Group acting as the Local Partnership Board.
39. The recommended options were determined to be the most suitable and achievable within this programme and grant condition constraints. The proposals leverage existing structures and commissioning arrangements in order to deliver improved services, whilst recognising that there will need to be a comprehensive review of service delivery for 2024/25 onwards.

What other options have been considered?

- **Option 1 (Recommended)**

Approve allocation of the DLUHC grant for 2022/23 as set out in paragraph 13 and 14

- **Option 2 Do not allocate the DLUHC Grant to provide Domestic Abuse Supported Accommodation Services in Cumbria**

The cabinet could choose to not allocate the DLUHC funding. This would mean that victim/survivors of domestic abuse would not receive they support that they require.

Risks

- **Option 1** – The Cabinet approves the DLUHC grant spend and allocations.

Current providers could cease delivery as are funded via uncertain grants and charity fundraising. They are well established in Cumbria, therefore the risk of this is low.

This proposal is viewed as being Safe and Legal.

- **Option 2** - Do not allocate the DLUHC Grant to service improvements

40. The publication of the Domestic Abuse Act 2021 and the increased media focus means there is significant political attention on this policy area. To do nothing could be seen as politically damaging and could impact the reputation of the Councils.

Reasons for the recommendation/Key benefits

41. There is a statutory obligation as set out in the domestic abuse new burdens legislation.
42. Not allocating funding in line with the recommendations set out in this decision record would risk Cumberland and Westmorland and Furness not spending the allocation, therefore not meeting their Statutory duties.
43. Allocating the funding on the basis of a continuation of services is the best way of ensuring that services are able to be delivered on a safe and legal basis from vesting day.

Financial – What Resources will be needed and how will it be Funded?

44. Both Cumberland and Westmorland & Furness have a statutory duty to deliver their obligations under the Domestic Abuse Act 2021 (the Act). Funding is provided through an un-ringfenced revenue grant under Section 31 of £1,228,153 (Cumberland Council £663,085 (54%), and Westmorland and Furness Council £565,068 (46%)).
45. The proposals are as a result of the partnership work between District Councils and the County Council since new burdens came into place. As set out above, funding (and the responsibility for delivery of the burdens) will now reside with Cumberland and Westmorland & Furness.
46. Budgets have been disaggregated from the County Council across the two unitary authorities, and budgets from Districts aggregated into the unitary authorities. Expenditure set out above reflects these arrangements, therefore do not create any additional pressure on either Cumberland or Westmorland & Furness.

Legal Aspects – What needs to be Considered?

47. The Domestic Abuse Act places statutory obligations upon the Councils.
48. The recommendations in this report relate to the proposed allocation and distribution of the DLUHC grant for the delivery of support to victims of domestic abuse in domestic abuse safe accommodation services.

49. The Cabinet should ensure that it is satisfied that the spending proposals recommended are in line with requirements of the Grant Determination letter and MOU.

The DLUHC grant covers:

- a) The revenue expenditure relating to the functions set out in Part 4 of the Domestic Abuse Act 2021 on Tier 1 Local Authorities relating to the provision of accommodation-based support to victims of domestic abuse and their children and on Tier 2 Local Authorities to co-operate with Tier 1 Local Authorities as far as reasonably practicable.
- b) The grant is distributed to Local Authorities for the period from 01 April 2023 to 31 March 2024 for the purpose of fulfilling the functions of the duties in line with the Domestic Abuse Act 2021.

Legal have reviewed the subsidy control position in relation to the Subsidy Control Act 2022 which replaces the Trade and Co-operation Agreement 2020. "Subsidy" under Section 2 is defined as:

"financial assistance which –

- (a) is given, directly or indirectly, from public resources by a public authority;
- (b) confers an economic advantage on one or more enterprises;
- (c) is specific, that is, is such that it benefits one or more enterprises over one or more other enterprises with respect to the production of goods or the provision of services; and
- (d) has, or is capable of having, an effect on – (i) competition or investment within the United Kingdom; (ii) trade between the United Kingdom and a country or territory outside the United Kingdom, or (iii) investment as between the United Kingdom and a country or territory outside the United Kingdom".

Insofar as the provision of funding may fall within the above definition it should be noted that, for awards up to £315,000, to a single enterprise within a rolling period of 3 fiscal years, funding can proceed under the cover of Minimal Financial Assistance (MFA) subject to obtaining a written declaration confirming that the relevant threshold has not been exceeded.

There is a requirement that funding which falls within the definition of "subsidy" under s 2 of amounts greater than £100,000 would need to be entered upon the Transparency Database – amounts below £100,000 would be exempt from this requirement.

As was the case with previous funding, for those organisations where there is not already a mechanism in place, written grant agreements should be entered into with the organisations prior to funding being provided.

The decision to allocate the DLUHC grant to implement service improvements, as set out in paragraphs 13 and 14, and the decision to distribute funding to the organisations listed in paragraphs 13 and 14 are proper decisions for the Cabinet under Part 3A

paragraphs 8.1 and 10.3(a) and (b) (adults and children and young people’s services) of the current Constitution.

The legal team can be contacted if further advice or clarification is needed in relation to the points above.

LGR Implications

50. The DLUHC Grant has been allocated to the two new unitary authorities. This decision will allocate the spending of that grant on behalf of those authorities on, as far as is possible, a continuation basis. Where contracts have continued across from the County Council to the new authorities this has been picked up through the contract pipeline. However, given the timing of this decision it will be necessary for the two new authorities to enter into the necessary grant agreements.

Health and Safety Aspects – What needs to be considered?

51 There are no direct Health and Safety implications. Providers of services will have to satisfy themselves that the appropriate measure are in place. Work is undertaken with providers to ensure that quality standards, including health and safety are met to.

Council Plan Priority – How do the Proposals Contribute to the Delivery of the Council’s Stated Outcomes? (Outcomes - People in Cumbria are Healthy and Safe, Places in Cumbria are well connected and thriving, the Economy in Cumbria is growing and benefits everyone)

This directly impacts on ensuring that People are Safe – working with victim/survivors of domestic abuse to ensure that they are support at an extremely vulnerable time.

What is the Impact of the Decision on Health Inequalities and Equality and Diversity Issues?

The need assessment that formed the basis of the original work undertook a review of the needs of people with protected characteristics who require support. In order to help meet these needs bespoke training is being provide to ensure that those working on delivering these services understand the different needs of different people, take a person-centred approach and can provide suitable alternative support to meet their particular needs.

Key Facts

Electoral Division(s): All

Executive Decision	Key Decision Included in Forward Plan	Exempt from call-in	Exemption agreed by scrutiny chair	Considered by scrutiny, if so detail below	Environmental or sustainability assessment undertaken?	Equality impact assessment undertaken?
Y	Y	N	N/A	N	N	N

Approved by the relevant Cabinet Member/s

Emma Williamson, Portfolio Holder for Children and Families- Cumberland Council

Judith Derbyshire, Cabinet Member for Housing and Homelessness, Westmorland and Furness Council

Previous relevant Council or Executive decisions

None

Consideration by Overview & Scrutiny

None

Background Papers

None

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