

# GREATER LONDON AUTHORITY

## REQUEST FOR MAYORAL DECISION – MD2842

**Title: Domestic abuse duty**

### Executive summary:

Part 4 of the Domestic Abuse Act 2021 (the 2021 Act) includes a new duty on Tier 1 local authorities (the Greater London Authority (GLA) in London) to provide support to survivors of domestic abuse and their children in refuges and other safe accommodation. This statutory duty will come into force following publication of statutory guidance and regulations. The GLA has entered into a memorandum of understanding (MOU) with the Ministry for Housing, Communities and Local Government (MHCLG) agreeing to undertake the activities set out in Part 4 of the 2021 Act from 1 April 2021 until commencement of Part 4. The MHCLG has allocated new burdens funding of £20.688m to the GLA for 2021-22, to cover both administration and support costs.

In March 2021 (via MD2788), the Mayor approved the GLA entering into the MOU, the receipt and expenditure of the above funding, and specific expenditure of up to £5m for grant-funding in 2021-22 to 21 London boroughs, of which £3.377m was allocated. The Mayor also approved the GLA entering into a shared services arrangement whereby the Mayor's Office for Policing and Crime (MOPAC) supports the GLA to undertake the activities associated with the new duty.

This Mayoral Decision (MD) seeks approval to expend a further £1.443m in 2021-22, to provide grant-funding to, and enter into grant agreements with, 10 service providers. This will enable them to continue to provide support services previously funded by the MHCLG in 2020-21. It also seeks approval to transfer up to £15.868m of 2021-22 funding to MOPAC to support the GLA to undertake the new duty. As Part 4 of the 2021 Act has not yet come into force, and to ensure the GLA is acting in accordance with its powers, this sum will be paid to MOPAC in proportions to reflect the work being carried out by MOPAC on behalf of the GLA. Once Part 4 has come into force, the remainder of the funding will then be transferred to MOPAC.

### Decision:

That the Mayor:

- 1) approves grant-funding of £1.443m to 10 service providers to continue, in 2021-22, to provide support services for survivors of domestic abuse funded by the MHCLG in 2020-21
- 2) approves the transfer of up to £15.868m to MOPAC to cover the costs of supporting the GLA to undertake its new duty, with transfers in such proportions as are determined by the Executive Director of Housing and Land until such time as the Part 4 is fully in force, when the remainder of the funding will be transferred to MOPAC.

### Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

**Signature:**



**Date:**

15/7/21

## **PART I – NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR**

### **Decision required – supporting report**

#### **1. Introduction and background**

- 1.1 The aim of Part 4 of the 2021 Act is to help transform the response to domestic abuse, by ensuring survivors of domestic abuse and their children have the support they need. It places a new duty on Tier 1 authorities in England (in London, the GLA is a Tier 1 authority) to provide this support to survivors in refuges and other safe accommodation. It also places a new duty on Tier 2 authorities (which in London are the London borough councils) to cooperate with the Tier 1 authority. The duties will commence following consultation on, and publication of, statutory guidance and publication of new regulations. The government is currently consulting on these documents.
- 1.2 The GLA's key functions, as set out in the Act, include:
- appoint a domestic abuse local multi-agency partnership board which it will consult as it performs the following functions (the Act sets out the key agencies and interests that must be represented on the partnership board, and the guidance provides more assistance as to the composition of the board)
  - assess, or make arrangements for the assessment of, the need for domestic abuse support in its area (domestic abuse support means support, in relation to domestic abuse, provided to survivors of domestic abuse, or their children, who reside in relevant accommodation)
  - prepare, publish and keep under review a strategy for the provision of such support in London
  - monitor and evaluate the effectiveness of the strategy
  - give effect to the strategy in carrying out its functions through commissioning and decommissioning decisions
  - after the end of each financial year, submit an annual report to the Secretary of State in relation to the exercise of the GLA's duties during the year.
- 1.3 The GLA has received an allocation from the MHCLG of £20.688m in 2021-22, to enable it to undertake the above activities. This covers both administration and support. In addition, London boroughs have received £1.23m administration funding direct from the MHCLG.
- 1.4 In recent years, the MHCLG has grant-funded (Tier 2) local authorities and service providers directly to provide support to survivors in safe accommodation, with 2020-21 being the final year of this arrangement. To ensure continuity of services in London, in March 2021 the Mayor (via MD2788) approved an allocation of up to £5m to enable the 21 councils that received government funding for support to those in safe accommodation in 2020-21 to continue doing so in 2021-22. The actual amount allocated was £3.377m. This MD seeks approval for a further allocation, of £1.443m, for the GLA to grant-fund 10 service providers directly for the same purpose, as set out in the table below. The grants process will be administered in line with the GLA Contracts and Funding Code.

<b>Provider</b>	<b>Grant amount</b>	<b>Description (12 months' funding unless otherwise stated)</b>
Latin American Women's Aid	£222,761	123 refuge bedspaces for people from Black, Asian and minority ethnic communities. The funding will provide continuation for additional capacity generated by the previous MHCLG grant. This will be delivered in partnership with Asha Projects, Ashiana and London Black Women's Project. Six months only.
Hestia	£17,129	Helpline supporting 2,400 people calling for assistance over a 12-month period. Callers will be directed to London bedspaces.
Hestia	£259,339	24 bedspaces in a refuge opened with 2020-21 funding from the MHCLG, and support for 100 people moving on from that refuge.
Stonewall	£93,750	Nine bedspaces in safe accommodation and an advocacy service supporting circa 250 people.
Refuge	£330,736	Move-on package for 80 women including rent deposits, furniture and moving costs; specialist case work support for 30 women with complex cases; and specialist support for 30 women with no recourse to public funds through a removing-barriers-to-support fund.
Solace	£205,490	Support to enable 50 women and their children move on from Solace's 22 refuges across London; and emotional and practical resettlement support for 150 women and their children.
Bexley Women's Aid	£30,337	Eight refuge bedspaces and support for a further 100 people.
EACH	£68,074	Move-on and emergency support for 47 survivors in 27 bedspaces. Delivered in partnership with IKWRO. Five months only.
Look Ahead	£12,232	Trauma counselling and activities for 38 children and families.
Housing for Women	£103,109	Support for 125 survivors in 125 bedspaces (including nine additional bedspaces in Ealing and 12 in Greenwich).
London Black Women's Project	£100,000	20 refuge bedspaces; telephone advice and support for 52 women; children and family support service for 80 women; and counselling for 280 women and children.
<b>Total</b>	<b>£1,442,957</b>	

- 1.5 Further commissioning under the duty will take place later this year, once the needs assessment and strategy – which will set out the commissioning framework – are complete. The contents of the needs assessment and the strategy (including the commissioning framework and its publication for 2021-22) will be subject to approval via an MD later this year.
- 1.6 The Mayor also approved (via MD2788) the GLA entering into a shared services arrangement with MOPAC, through which MOPAC would provide professional support to assist the GLA to undertake the activities associated with the new duty. A shared services agreement will shortly be signed and approval is sought to provide MOPAC with up to £15.868m in 2021-22 to enable it to provide this support to the GLA. This will cover administrative costs of procuring consultants for project mobilisation; undertaking the needs assessment; creating an IT system for a commissioning framework; and producing the strategy and staffing. It will also cover the costs of services commissioned in line with the strategy, including the commissioning framework.
- 1.7 The £15.868m of funding to MOPAC will be paid in such proportions as determined by the Executive Director of Housing and Land, so as to cover the costs incurred by MOPAC from the date of this decision to the date on which Part 4 is fully in force. The remainder will be paid once Part 4 has come

into force. This is to ensure that the GLA is acting consistently with section 31 of the GLA Act and does not duplicate anything that may be done by MOPAC.

## **2. Objectives and expected outcomes**

2.1 The overarching objective of the new duty is to improve outcomes for survivors of domestic abuse and their children in safe accommodation. Over time, and if sufficient and long-term government resources are made available, the following outcomes could be achieved:

- improved strategic oversight and planning across areas;
- improved provision for those with specific, complex or multiple needs, or whose needs are unlikely to be met by a single local authority;
- a reduction in the variations, unrelated to need, in the level of provision commissioned by different local authorities;
- improved quality and consistency of provision and commissioning; and
- a better alignment of capital and revenue funding, resulting in more provision.

2.2 The funding will enable MOPAC to provide the professional services to the GLA set out in the shared services agreement, including:

- putting in place and administering the partnership board;
- arranging for the needs assessment to be carried out;
- preparing the draft pan-London strategy, including a commissioning framework for consideration and approval by the GLA;
- running a commissioning round for support services in 2021-22;
- managing and monitoring the contracts for the support services being provided by the 21 London councils and 10 service providers that received MHCLG funding for these services in 2020-21, and all further contracts entered into under the duty.

2.3 The grant funding direct to providers for the continuation of services provided in 2020-21 (funded by the MHCLG in that year) will enable the provision of 348 units of safe accommodation and support to 3,977 survivors of domestic abuse.

## **3. Equality comments**

3.1. Under section 149 of the Equality Act 2010, as public authorities, the Mayor and the GLA are subject to a public-sector equality duty and must have 'due regard' to the need to (i) eliminate unlawful discrimination, harassment and victimisation; (ii) advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and (iii) foster good relations between people who share a relevant protected characteristic and those who do not. Protected characteristics under section 149 of the Equality Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage or civil partnership status (all except the last being "relevant" protected characteristics).

3.2. Characteristics of survivors of domestic abuse (national figures):

- gender: women are much more likely than men to be the victims of high risk or severe domestic abuse;

- age: younger people are more likely to be subject to interpersonal violence. Most high-risk victims are in their 20s or 30s. Those under 25 are the most likely to suffer interpersonal violence;
  - pregnancy: nearly one in three women who suffer from domestic abuse during their lifetime report that the first incidence of violence happened while they were pregnant;
  - separation: domestic abuse is highest amongst those who have separated, followed by those who are divorced or single;
  - drug and alcohol use: victims of abuse have a higher rate of drug and/or alcohol misuse (whether it starts before or after the abuse); at least 20 per cent of high-risk victims of abuse report using drugs and/or alcohol;
  - mental health: 40 per cent of high-risk victims of abuse report mental health difficulties.
- 3.3. Given the above, the proposals in this paper are likely to have positive impacts on a number of groups with protected characteristics. Specifically, the work outlined above will focus on arrangements to facilitate improvements in accommodation and support for survivors of domestic abuse (who are more likely than the general population to be women and to have mental health support needs). The equalities implications will be kept under ongoing review throughout this programme of work including in relation to the commissioning of support.

#### 4. Other considerations

##### *Key risks and issues*

##### 4.1 Table of risks and issues

<b>Risk description</b>	<b>Rating</b>	<b>Mitigating action</b>
Providers may perform poorly.	Green	A robust contract and contract monitoring between the GLA/MOPAC and the service providers will ensure that poor performance is identified and rectified quickly and appropriately.
MOPAC may perform poorly.	Green	MOPAC is assisting the GLA because of its role and remit around violence against women and girls (VAWG), and its expertise and experience in this area. Also, a robust shared services agreement between the GLA and MOPAC clearly outlines roles and responsibilities. It includes internal governance arrangements, with regular monitoring of outputs and outcomes.
Government funding for the duty is insufficient in future years to enable the overarching objectives to be achieved.	Amber	The objective of improved provision is shared with the government, and there could therefore be an expectation that it would be backed up with sufficient funding. In addition, the Mayor will make the case to the government for sufficient funding for this purpose.

##### *Links to Mayoral strategies and priorities*

##### 4.2 The objectives of the proposals are in line with:

- the Mayor's London Housing Strategy, policy 7.2c
- the Mayor's VAWG Strategy.

### *Impact assessments and consultations*

- 4.3 Both the [London Housing Strategy](#) and the [VAWG Strategy](#) were subject to public consultation and equalities impact assessments.

### *Conflicts of interest*

- 4.4 The officers involved in the drafting and clearance of this form have identified no known conflicts of interest.

## **5. Financial comments**

- 5.1 This decision requests approval for grant funding of £1.443m to 10 service providers to continue in 2021-22 to provide support services funded by the MHCLG in 2020-21 for survivors of domestic abuse (MD2788 approved up to £5m grant funding in 2020-21 and continued in 2021-22 for 21 London boroughs – the actual amount allocated was £3.377m).
- 5.2 This decision requests approval for the transfer of up to £15.868m of funding to MOPAC which will be paid in such proportions as determined by the Executive Director of Housing and Land so as to cover the costs incurred by MOPAC from the date of this decision to the date on which Part 4 is fully in force.

## **6. Legal comments**

- 6.1 Part 4 of the 2021 Act sets out the new duties on the GLA and London Borough councils. The 2021 Act received Royal Assent on 29 April 2021. The 2021 Act is not fully in force yet. The government has published, for consultation, draft Regulations specifying the description of “relevant accommodation” (the Domestic Abuse Support (Relevant Accommodation) Regulations 2021) and about the preparation and publication of strategies (Domestic Abuse (Local Authority Strategies) Regulations 2021). The government has also consulted on its draft statutory guidance. Part 4 will be fully in force once the Regulations and statutory guidance have been published.
- 6.2 During the period between 1 April 2021 and Part 4 of the 2021 Act coming fully into force, the GLA will be acting in accordance with its general powers in section 30 of the Greater London Authority Act 1999 (the GLA Act). Under section 30 of the GLA Act, the GLA has power to do anything that it considers will further any one or more of its principal purposes that are promoting: economic development and wealth creation in Greater London; social development in Greater London; and the improvement of the environment in Greater London. The proposed activities, as set out in the MOU, will further the promotion of social development in Greater London.
- 6.3 The exercise of section 30 powers is restricted by section 31(1) of the GLA Act, which provides that the GLA shall not incur expenditure which may be done by MOPAC (and other functional bodies). It is also restricted by section 31(3), which provides that the GLA cannot incur expenditure in providing any education services, any social services, or any health services, in any case where the provision in question may be made by a London Borough council. Section 31(6) enables the GLA to incur expenditure in cooperating with, or facilitating or coordinating the activities of, MOPAC and London Borough councils. For any period between 1 April 2021 and the 2021 Act coming fully into force, the GLA will need to ensure that any expenditure is consistent with section 31.
- 6.4 A proportion of the up-to £15.868m funding for MOPAC’s services and commissioning will be paid initially to MOPAC from the date of this decision in accordance with section 401A. It will be sufficient to only cover the costs incurred by MOPAC during the period from the date of this decision until the date on which the new legislation comes into force. When the new legislation is in force, further proportions of the £15.868m funding for MOPAC’s professional services and commissioning can be

provided. This is to ensure that the GLA is acting consistently with section 31 of the GLA Act and does not duplicate anything that may be done by MOPAC.

**7. Planned delivery approach and next steps**

<b>Activity</b>	<b>Indicative timeline</b>
Continuation grant funding allocated to 10 service providers	September 2021
Provision of professional services by MOPAC to the GLA	Ongoing

**Appendices and supporting papers:**

None.

**Public access to information**

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after it has been approved or on the defer date.

**Part 1 – Deferral**

**Is the publication of Part 1 of this approval to be deferred? NO**

If YES, for what reason:

Until what date: (a date is required if deferring)

**Part 2 – Sensitive information**

Only the facts or advice that would be exempt from disclosure under the FoIA should be included in the separate Part 2 form, together with the legal rationale for non-publication.

**Is there a part 2 form – NO**

**ORIGINATING OFFICER DECLARATION:**

Drafting officer  
to confirm the  
following (✓)

**Drafting officer:**

Debra Levison has drafted this report in accordance with GLA procedures and confirms the following:

✓

**Sponsoring Director:**

Rickardo Hyatt has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

**Mayoral Adviser:**

Tom Copley and Sophie Linden have been consulted about the proposal and agree the recommendations.

✓

**Advice:**

The Finance and Legal teams have commented on this proposal.

✓

**Corporate Investment Board**

This decision was agreed by the Corporate Investment Board on 6 September 2021.

**EXECUTIVE DIRECTOR, RESOURCES: (Enver Enver on behalf of David Gallie)**

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

**Signature**



**Date**

14 September 2021

**CHIEF OF STAFF:**

I am satisfied that this is an appropriate request to be submitted to the Mayor.

**Signature**



**Date**

7 September 2021