

EXPLANATORY MEMORANDUM TO
THE DOMESTIC ABUSE (LOCAL AUTHORITY STRATEGIES AND ANNUAL
REPORTS) REGULATIONS 2021

2021 No. 990

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Ministry of Housing, Communities and Local Government and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 Section 57 of the Domestic Abuse Act 2021 (“the Act”) places duties on each relevant local authority in England (that is county councils, unitary district councils, the Greater London Authority, and the council of the Isles of Scilly) relating to the provision of accommodation-based support for victims of domestic abuse and their children. Section 57 mandates the preparation and publication of a strategy for the provision of such support. The purpose of this instrument is to make provision about the preparation and publication of these strategies, namely the matters to which a relevant local authority must have regard in preparing a strategy; the date by which the first strategy must be published; and the obligation to review and publish further strategies. Further, the instrument makes provision about the form and content of the annual reports that relevant local authorities are required, under section 59 of the Act, to submit to the Secretary of State in respect of the exercise of their functions under Part 4 of the Act.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England and Wales.
4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

- 6.1 These Regulations are made under section 57 and section 59 of the Act, which provide the Secretary of State with powers to make provision in respect of the preparation and publication of strategies under section 57, and the form and content of annual reports under section 59 of the Act respectively. (See further section 2 above on the purpose of the instrument).

7. Policy background

What is being done and why?

- 7.1 The reason for making these Regulations is to provide for a consistent approach to the preparation and publication of strategies in respect of accommodation-based support for victims of domestic abuse across England. The annual reporting requirement specified in section 59 of the Act will enable the Government to monitor how the new duties on local authorities are working, understand where the challenges are and how the funding is being used, and help identify and disseminate good practice. Having established the new duty on relevant local authorities within Part 4 of the Act, relating to the provision of support to victims of domestic abuse and their children residing in relevant safe accommodation, Part 2 of the instrument will provide the date by which relevant local authorities must publish their first strategies for the provision of support in its area, the obligation to review and publish further strategies every 3 years and the obligation to have regard to certain matters when preparing strategies. Part 3 of the instrument will detail the form of the annual report which must be prepared in respect of such matters, the form of which will be specified by notice to the relevant local authorities by the Secretary of State from time to time. It also provides for the content of the annual report which needs to be submitted by relevant local authorities to central government on an annual basis, namely, confirmation that a domestic abuse local partnership board has been established, its membership and how often it meets, evidence that an appropriate assessment of need has been carried out, the methodology used and the result of the assessment, evidence that a strategy is in place and that commissioning decisions have been informed by the needs assessment and the strategy and evidence that the funding has been used in line with the strategy.

8. European Union Withdrawal and Future Relationship

- 8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

- 9.1 This instrument does not amend other instruments.

10. Consultation outcome

- 10.1 Part 4 of the Act includes new duties on relevant local authorities in England relating to the provision of support for victims of domestic abuse and their children who reside in relevant safe accommodation. Statutory Guidance and Regulations will accompany the commencement of Part 4 of the Act to support all local authorities in meeting the new duties. The Secretary of State is also required under section 60(4) to consult on the Statutory Guidance before issuing. A public consultation on the Statutory Guidance and Part 2 (Preparing and publishing of Strategies) of the Regulations, as required by section 59(11) of the Act, was launched on 15 June 2021 and was open for a period of six weeks closing on 27 July 2021. 133 responses were received – the majority of consultees were in agreement with the contents of the draft regulations. A number of comments were made suggesting that the timing for publication of the final strategies would not give local authorities enough time to consult fully. We have considered these comments and adjusted the date for the publication of final strategies to allow additional time for local consultations on the strategies.

11. Guidance

- 11.1 Under Section 60 of the Act the Secretary of State is required to issue Statutory Guidance relating to the exercise by local authorities of their functions under Part 4 of the Act. A draft version of the Statutory Guidance was first published in January 2021: <https://www.gov.uk/government/publications/domestic-abuse-bill-2020-overarching-documents> and later consulted on: <https://www.gov.uk/government/consultations/domestic-abuse-support-within-safe-accommodation-statutory-guidance-and-regulations-consultation>. The Guidance will cover details on the preparing and publishing of strategies and annual reports. MHCLG is carefully considering the responses to the consultation and will publish a final version of the Statutory Guidance by 1 October 2021.

12. Impact

- 12.1 There is no, or no significant, impact on business, charities, or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 An Impact Assessment has not been prepared for this instrument because no impact is foreseen on the private, charity or voluntary sectors.

13. Regulating small business

- 13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

- 14.1 The Department will monitor the implementation of Part 4 of the Act and will review the instrument informed through engagement with local authorities, the Domestic Abuse Commissioner, and the domestic abuse sector.

15. Contact

- 15.1 Miranda Abrey at the Ministry of Housing, Communities and Local Government email: miranda.abrey@communities.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Cathy Page, Deputy Director for Housing with Care and Support, at the Ministry of Housing, Communities and Local Government can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Eddie Hughes, Minister for Rough Sleeping and Housing at the Ministry of Housing, Communities and Local Government can confirm that this Explanatory Memorandum meets the required standard.