

Neath Port Talbot County Borough Council
Cyngor Bwrdeistref Sirol Castell-nedd

Democratic Services
Gwasanaethau Democrataidd

Chief Executive: Steven Phillips

Date: 20/09/2016

Dear Member

**POLICY AND RESOURCES CABINET BOARD - WEDNESDAY, 21ST
SEPTEMBER, 2016**

Please find attached the following urgent item for consideration at the next meeting of the **Policy and Resources Cabinet Board - Wednesday, 21st September, 2016.**

Item

1. **Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 - call for evidence (Pages 3 - 10)**

Yours sincerely

Chief Executive

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Policy and Resources Cabinet Board

Wednesday, 21 September 2016

Report of the Head of Corporate Strategy and Democratic Services

Matter for Decision

Wards Affected: (All Wards);

Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 - call for evidence

Purpose of the Report

1. To seek authority from the Cabinet Board to submit the attached response to the Welsh Government in response to their call for evidence.

Executive Summary

2. The Welsh Government has called for evidence to support a post-legislative enquiry into the implementation of the above legislation.
3. The enquiry is taking place at a very early stage and consequently it is too early to draw firm conclusions on many of the aspects that the enquiry is seeking to explore.
4. However, the call for evidence does provide an opportunity for the Council to re-state the key messages that have previously been communicated in previous consultation exercises and a draft response has therefore been prepared along those lines for the Cabinet Board to consider.

Background

5. The Welsh Government passed legislation in 2015 to improve outcomes for people affected by gender-based violence.
6. The Violence Against Women, Domestic Abuse and Sexual Violence(Wales) Act places a joint statutory duty upon councils and local health boards to prepare a local strategy for each local authority area. The Act provides for Welsh Ministers to issue guidance on a range of topics that the strategies would be expected to embrace.
7. There has been little new funding identified to accompany the implementation of the Act which is a source of concern amongst the wide range of partners who will need to play a part in implementing the Act.

Financial Impact

8. The Act will undoubtedly require new funding to support its delivery but to date little new funding has been made available.
9. The development of the local strategy in particular is not funded.
10. There is concern that many of the initiatives will lead to more people being identified as in need of support, however, the funding that supports core service deliver is provided by way of time-limited specific grant, with some of the key grant funding streams expected to reduce.

Equality Impact Assessment

11. The Act is positive in terms of its intended impact on gender but is likely to also be positive for other people who share other protected characteristics.

Workforce Impacts

12. There is an expectation that the Council will implement the National Training Framework however, there are currently no resources identified to roll out the training to the target audience.

Legal Powers

13. The Act places a specific duty upon the Council and the Health Board to establish a local strategy.

Risk Management

14. There is a risk that the Council will be unable to comply with all of the duties if insufficient funds are established.
15. There is a risk that waiting lists for services will increase if sufficient funds are not made available to support the Act.
16. There is a risk of inappropriate collaborations being formed unless time is taken to work out what is best planned and delivered; locally, regionally and nationally.

Consultation

17. There is no requirements under the Constitution for external consultation on this item.

Recommendations

18. That the Cabinet Board considers the proposed draft response and authorises the Head of Corporate Strategy and Democratic Services to submit the response to the Welsh Government.

Reasons for Proposed Decision

19. To ensure the Council's concerns over implementation arrangements are conveyed to the Welsh Government.

Implementation of Decision

20. The Cabinet Board is asked to authorise immediate implementation of the decision in order to meet Welsh Government deadlines.

Appendices

21. Draft response to the Call for Evidence.

List of Background Papers

22. Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015

Officer Contact

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Neath Port Talbot Community Safety Partnership response

Consultation - Post legislative inquiry into the Violence against Women (Wales) Act 2015

1. To what extent the approach to tackling violence against women, domestic abuse and sexual violence is improving as a result of the obligations in the Act?

- 1.1 It is our opinion that it is too early to say as it is still very early in the implementation of the Act. Leadership arrangements to support the partnership required to implement VAWDASV in Neath Port Talbot County Borough Council have been considerably strengthened and the leadership group includes national representation from Women's Aid which is much appreciated.
- 1.2 We have made an early start on developing the local strategy required under the Act, however, the requirement for a local strategy does not sit comfortably with other requirements imposed by the Social Services and Wellbeing (Wales) Act 2014 which is requiring an input to the development of the population assessment in a different timetable to the VAWDASV. This is unhelpful.
- 1.3 We are aware of the National Training Framework however, delivering the Framework is problematic as there are no new identified resources to support this within agencies who are already struggling to deliver on a broad policy agenda which includes, for example, Counter-terrorism training as part of the PREVENT strategy, the Wellbeing of Future Generations (Wales) Act 2015; the Social Services and Wellbeing (Wales) Act 2014; as well as training emanating from the Fairer Futures Division to support the strengthening of community cohesion, eg Hate Crime Training; Modern Slavery Training; Gypsy Traveller Training etc.
- 1.4 The development of the local strategy is requiring application of resource that is not covered by existing funding streams. The development of commissioning arrangements is made overly complex by the plethora of specific grants that underpin much of the service delivery in this area, all of which have different conditions attached. There is an urgent need to put specific grants into base budgets to ensure that local commissioners have the degree of flexibility needed to set clear priorities and develop more responsive services to meet the needs of people affected by gender based violence. In particular, Supporting People, Substance Misuse, Welsh Government, Home Office, Families First funding streams

need to be “pooled” in order that the new Partnership can exercise the new responsibilities the Act envisages. We would be very happy to pilot such an approach.

1.5 In our earlier responses to consultation exercises we expressed concern that many of the initiatives will lead to more victims being identified, but without the benefit of any additional capacity being created in provider agencies. Ask and Act is being piloted in ABMU Health Board and it is becoming evident that funding to specialist services will need to be properly examined if we are to ensure that new people identified as needing support can access that support in acceptable timescales. We urge the Welsh Government to ensure that the pilots are properly evaluated before they are scaled up to avoid a position where large numbers of new people are identified to find themselves then unable to access services for some considerable time, during which period many cases are likely to escalate.

1.6 We have received confused messages about local and regional responses to people affected by gender-based violence. In our view, there are a range of responses that need to be delivered locally; there are some that lend themselves to wider area working and others that may be more effectively planned at an all-Wales level. We urge the Welsh Government to allow local partnerships to work this complexity through so that we can end up with a set of arrangements that is better fit for purpose.

2 What are the most effective methods of capturing the views and experiences of survivors? Are arrangements in place to capture these experiences, and to what extent is this information being used to help inform the implementation of the Act’s provisions?

2.1 In NPT all of the specialist service providers engage with service users via groups, feedback forms etc. Commissioners also have a range of evaluation methods in operation.

2.2 As part of the development of the local strategy, we have engaged with survivors from the outset to understand what works and does not work from their perspective. We are also committed to putting in place mechanisms to regularly receive feedback and input from survivors as we mature our strategy development and delivery arrangements.

3. Whether survivors of abuse are beginning to experience better responses from public authorities as a result of the Act, particularly those needing specialist services?

3.1 It is too early to make this assessment. Ask and Act is in a pilot phase and there has actually been a reduction in funding for specialist services as a result of the prevailing financial climate with further cuts in grant funding expected. Coupled with the complexity of trying to join up disparate grant funding schemes it is unlikely that survivors will have seen much positive change.

4. Whether the National Adviser has sufficient power and independence from the Welsh Government to ensure implementation of the Act?

We consider it too early to make this assessment. We have had limited communication with the National Adviser and would welcome an opportunity to strengthen links between the Council, its partnership arrangements and the National Adviser. It is important that the democratic mandate of elected Assembly Members and local councillors is properly balanced with any powers that are provided to the National Adviser.

5. To what extent the good practice guide to healthy relationships is successfully influencing the development of a whole school approach to challenging violence against women, domestic abuse and sexual violence

5.1 It is too early to assess this.

6. FURTHER CONCERNS

6.1 The Act is ambitious in what it seeks to deliver in outcome terms for people affected by gender based violence. However, the resource implications of implementing the Act remains a concern for us. As identified above, many of the initiatives will lead to the identification of more people who will need help and support, but the grants and funding that support service delivery are being reduced. It is also a cause for concern that whilst the Act seeks to bring about a significant change for people affected by gender-based violence, the funding that remains available is still time limited and not part of core budgets. This means that it is difficult to sustain a quality specialist workforce and is an issue that we encourage Welsh Government to address as a matter of priority.

6.2 The requirements to develop and implement a local Strategy cannot be accommodated within the role of the Domestic Abuse Co-ordinator and additional resources have needed to be identified at a local level to deliver the statutory requirements. This is not a sustainable position.

6.3 Lines of communication between Welsh Government and local government need to be urgently clarified so that we can develop an effective collaborative approach to securing the outcomes that the Act seeks to achieve. There are a range of stakeholders who need to contribute to this work, but, importantly, there are specific duties placed upon health boards and local authorities in the Act but no adequate forum for discussion how those specific duties can be most effectively discharged.

6.4 We responded to a number of consultations on draft guidance to support implementation of the Act. However, we have had little feedback on what amendments, if any, the Welsh Government intend to introduce and the timetable for publishing final guidance. We have previously made representation that the draft guidance includes many “requirements” that the Welsh Government would not appear to have power to impose.