

# NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

## Policy and Resources Cabinet Board 3<sup>rd</sup> September 2015

### Report of the Head of Corporate Strategy and Democratic Services

K. Jones

#### Matter for Decision

**Wards Affected:** All Wards

#### Local Authority New Duties and Responsibilities – Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015

#### Purpose of Report

1. To inform Members of new duties and responsibilities placed on local authorities following enactment of the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.
2. To seek authorisation from the Cabinet for relevant officers to be provided with the delegated authority to take the actions necessary to ensure the Council complies with the new duties and responsibilities.

#### Executive Summary

3. The Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 aims to improve arrangements for the prevention of gender-based violence, domestic abuse and sexual violence; improve arrangements for the protection of victims of such abuse and violence; and requires the appointment of a National Adviser on gender-based violence, domestic abuse and sexual violence;
4. The places a new general duty on local authorities to have regard (along with all other relevant matters) to the need to remove or minimise any factors which increase the risk of violence against women and girls or, exacerbate the impact of such violence on victims;

5. The Act also places a duty on local authorities and health boards to produce and publish a local strategy for the local authority area and then to take reasonable steps to achieve the objectives set out in the local strategy;

This report requests delegated authority to the relevant officer to ensure the Council complies with the new legal duties.

## **Background**

6. The Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 aims to improve arrangements for the prevention of gender-based violence, domestic abuse and sexual violence; improve arrangements for the protection of victims of such abuse and violence; improve support for people affected by such abuse and violence; and requires the appointment of a National Adviser on gender-based violence, domestic abuse and sexual violence.
7. The Act creates a number of new responsibilities for local authorities in Wales which are summarised in this report. The Act also places new responsibilities on the Welsh Government to establish a national strategy to combat gender based violence; provides powers to Welsh Ministers to issue guidance to relevant authorities who have duties under the Act and creates a new role of National Adviser to Welsh Ministers.

## **New Duties and Responsibilities**

8. s2 of the Act places a general duty on local authorities to have regard (along with all other relevant matters) to the need to remove or minimise any factors which:
  - (a) increase the risk of violence against women and girls, or
  - (b) exacerbate the impact of such violence on victims
9. s5,6 and s7 of the Act places a duty on local authorities and the health board to produce and publish a local strategy for the local authority area which demonstrates what actions will be taken locally to achieve the purpose of the Act. There are a number of things that must be taken into account when developing that local strategy, for example, involving other local partners in the strategy development process and taking

account of any needs assessments produced to comply with social services and wellbeing, substance misuse, youth offending or community safety legislation. The Act also provides powers to Welsh Ministers to issue statutory guidance on a range of matters such as workplace policies, the commissioning of specialist services and other matters. s17 places a duty on local authorities to follow such guidance, or, if the authority has good reason for not following the guidance the Act places a duty on local authorities to explain and justify that decision.

10. s8 places a duty on local authorities to take reasonable steps to achieve the objectives set out in the local strategy.
11. s9 of the Act provides powers to Ministers to set regulations requiring local authorities to publish prescribed information, at such times and in such a manner as may be prescribed, for the purpose of providing information to the public about whether, and if so how, local authority education functions are being exercised to promote the purpose of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (see section 1 of that Act).
12. s13 places a duty on local authorities and health boards to produce an annual report describing the progress made in delivering the local strategy
13. The Act establishes a new position of National Adviser reporting to Ministers. The National Adviser has powers under the Act to require local authorities to provide information for the purpose of the Adviser's functions. s21 places a duty on local authorities to comply with such requests unless the request is incompatible with the authority's duties or has an adverse impact on the authority's functions.

### **Financial Impact**

14. There are no new identified recurring revenue resources identified to support the new duties and responsibilities summarised in this report. Advice is awaited from Welsh Government in this respect.

15. The Welsh Government are currently developing a number of “national products” - for example a national training product, that will be made available to local authorities to support implementation of the Act. The commencement date for most of the new duties has not yet been announced.

### **Equality Impact Assessment**

16. The Equality Act 2010 requires public bodies to “pay due regard to the need to:
  - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - foster good relations between persons who share a relevant protected characteristics and persons who do not share it.”
17. The subject of this report is legislation that is aimed at gender-based violence and consequently the impact should be positive as far as the protected characteristic of gender is concerned. Local research also identifies children as being affected by domestic abuse and consequently the impact of the legislation is likely to be positive for the protected characteristic of age.

### **Workforce Impact**

18. The full workforce impacts of the legislation have not yet been identified. The Act will have potential implications on the Council’s existing workplace domestic abuse policy. The Act will also impact on commissioning activities that fall within the scope of the act which in turn may have particular workforce implications. These will be reported to Members as and when they are identified.

## **Legal Impact**

19. This report draws attention to the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 and the new duties that have been placed on local authorities. The report seeks delegated authorities for relevant officers to take the actions necessary for the Council to comply with the new duties.

## **Crime and Disorder Impact**

20. The Council has a legal duty under Section 17 of the Crime and Disorder Act 1998 to carry out all its various functions with “due regard to the need to prevent Crime and Disorder in its area”.
21. The duties introduced by the legislation subject of this report will assist the Council in discharging its duty to prevent gender-based crime and disorder in its area.

## **Risk Management**

22. There is a risk of non-compliance with the duties introduced by the Act if sufficient resources are not provided to local authorities to cover the costs of the associated activities.

## **Consultation**

23. There is no requirement under the Constitution for consultation on this item.

## **Recommendations**

24. Having had regard to the impact assessments provided with this report:
  - (1) That the Cabinet Board notes that the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 places a range of new duties and responsibilities upon the Council.
  - (2) That the Cabinet Board provides delegated authority to the Head of Corporate Strategy and Democratic Services to take the actions necessary to ensure compliance by the Council with the provisions of the

Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015, subject to those actions being funded by Welsh Government.

- (3) That the above delegations be reported to Council in due course in order that changes to the Council's Constitution can be authorised.

### **Reason for Proposed Decision**

25. To provide the formal authority to the relevant officer to take the actions necessary to secure compliance by the Council with the new duties and responsibilities placed on local authorities by the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015

### **Implementation of Decision**

26. The decision is proposed for implementation after the three day call in period.

### **Appendices**

27. None

### **List of Background Papers**

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

### **Officer Contact**

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