

# **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

## **Community Safety and Public Protection Scrutiny Sub Committee**

**27 July 2017**

### **Report of the Head of Corporate Strategy and Democratic Services – Karen 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 report the outcome of the consultation that has taken place on the draft Violence Against Women, Domestic Abuse and Sexual Violence Strategy for Neath Port Talbot County Borough.

#### **Executive Summary**

2. 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;

3. The Act 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;
4. 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;
5. Attached, at Appendix 1, is the Draft Strategy which has been prepared by a strengthened multi-agency partnership, chaired by Councillor Alan Lockyer and which was subject to public consultation between 15<sup>th</sup> March 2017 and 19<sup>th</sup> June 2017. The consultation was promoted through social media and other media; through the VAWDASV partnership networks; to other key partnerships such as the Think Families Partnership and the Third Sector as well as being available on-line and in the Council's main public buildings. It should also be noted that in the formative stages of the Strategy, wide ranging engagement had already taken place with a diverse stakeholders and their input had formed the basis of the draft Strategy.
6. 45 individual responses were received from organisations and interested individuals. A full list of respondents is attached at Appendix 2.
7. Most respondents agreed with the objectives and initial actions that are proposed to be taken and which were set out in the draft Strategy;
8. The Police and Crime Commissioner made particular reference to the need to draw out the extent to which the draft Strategy has been developed through a collaborative approach and also emphasised the importance of identifying those elements of the Strategy which might benefit from regional/wider area collaboration.

9. Families need Fathers made strong representations about the bias within the draft Strategy towards women and girls and suggested that in a number of areas, further work is needed to ensure that male victims and female perpetrators receive appropriate service responses;
10. The Older Persons Council also suggested that draft Strategy could be strengthened to not simply recognise the features of violence within relationships between older residents but to ensure service responses are appropriate;
11. There were general comments in relation to persons with protected characteristics and a suggestion more detailed analysis would assist with the further development of the Strategy as it is implemented;
12. Finally, there were general comments related to the need to have strong performance management frameworks around the Strategy to assist in gauging progress and demonstrating outcomes.

## **Background**

14. 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.
15. The Act creates a number of new responsibilities for local authorities in Wales including a duty to prepare and public a strategy for the local authority's area, jointly with the relevant health board.
16. Over the last eighteen months, and in accordance with requirements set out in statutory guidance, the Domestic Abuse Strategy Group has been disbanded and replaced by a new multi-agency Leadership Group. There has been sustained senior

commitment to the Group over that period and there has been excellent co-operation in developing the attached draft Strategy.

17. The Strategy follows the structure of the Welsh Government's National Strategy for Violence Against Women, Domestic Abuse and Sexual Violence, enabling the local partnership to demonstrate its contribution to delivering the national policy objectives established by the Welsh Government. It includes all of the areas of activity that are set out various statutory guidance (or in some instances drafts of the statutory) documents, but most importantly, it identifies the strengths and challenges for this area and sets out a series of achievable actions to help us to achieve our long term vision:

18. *“to prevent and eradicate violence against women, domestic abuse and sexual violence by promoting equality, safety, respect and independence to enable everyone to live free from abuse and the attitudes that perpetuate it.”*

## **Key Objectives**

19. There are seven objectives set out in the Strategy:

1. Increase awareness and challenge attitudes towards violence against women, domestic abuse and sexual violence
2. Increase awareness in children and young people of the importance of safe, equal and healthy relationships and that abusive behaviour is always wrong
3. Increased focus on holding perpetrators to account and provide opportunities to change their behaviour based on victim safety
4. Make early intervention and prevention a priority
5. Relevant professionals are trained to provide effective, timely and appropriate response to victims
6. Provide victims with equal access to appropriately resourced, high quality, needs led, strength based, gender responsive services across Neath Port Talbot
7. Increased focus on improving the recognition of and responses to violence against, women, domestic abuse and sexual violence in all criminal justice proceedings

## **Consultation**

20. The Policy and Resources Cabinet Board authorised public consultation on the draft Strategy contained at Appendix 1 at its meeting on 15<sup>th</sup> February 2017 and the AMBU Health Board also authorised public consultation in the same period.
21. In the early stages of formulating the Strategy, a wide range of stakeholders were engaged. This enabled the new strategic Leadership Group to take a wide range of evidence into account, including: the demands on public and third sector organisations from victims, perpetrators and the people closely associated with them; the range, quality and cost of current service provision together with the sources of funding for that service provision; the perspectives of victims, survivors and others who have experienced service delivery; the pressures and considerations being made in partner agencies involved in supporting and assisting people affected by the abuse; national trends and policy (Wales, UK and internationally).
22. Having assembled the evidence, the Leadership Group then oversaw work to benchmark existing provision against best practice and policy expectations. This exercise informed the development of the strategic objectives and associated early actions which were then expressed in the draft Strategy and made available for further consultation. The draft Strategy also recognised the need to strengthen the governance arrangements that would support strategy implementation, in particular the need to integrate with other relevant partnerships; to establish a robust performance management framework and to ensure an appropriate process of strategy review.
23. The draft Strategy was available for public consultation between 15<sup>th</sup> March and 19<sup>th</sup> June 2017. The draft Strategy was disseminated to those who had participated in its development and additionally was promoted via social and other media, made available through the Council's main public buildings and on-line. The draft Strategy was presented to the Older Persons' Council, to trade unions and cascaded through the Third Sector networks. It was also sent to Welsh Government.
24. 45 responses were received and are referenced in the Background Papers section of this report.

25. Overall, the respondents agreed with the objectives and the actions, but there were some notable and important variations that are drawn to Members' attention:

26. Summary of consultation responses:

Families need Fathers made strong representations about the extent to which they perceive Welsh Government policy and in turn the draft Strategy, were biased towards the way society views women in violent relationships. They argue strongly that the title of the Strategy is not inclusive and that the objectives and actions need further examination and development if the Strategy is to appropriately reach male victims and address the behaviour and risks posed by female perpetrators.

27. Officer Comment:

The title of the Strategy has previously created debate and it would be helpful to receive the views of scrutiny committee members prior to the Strategy being finalised. Additionally, officers agree that there is scope to have further engagement with Families need Fathers and other interested parties to explore how the Strategy could be strengthened to address the risks and concerns that they have highlighted. Rather than delay the publication of the initial strategy, it is suggested that additional actions could be written into the Strategy to require this work to be done within an agreed period of time.

28. Summary of Consultation Responses:

The Older Persons' Council acknowledged that the draft Strategy identifies that older people are affected by domestic abuse and other forms of violence, however, they felt that the Strategy did not then adequately identify the actions that would be taken to ensure services are more responsive to the needs of older people, where these are different from other groups.

29. Officer Comment:

Officers acknowledge the point that has been made and would suggest that additional actions be included in the Strategy to explore which elements of service provision need to be reviewed in light of the feedback received.

30. Summary of Consultation Response:

The Police and Crime Commissioner, in responding to the consultation suggested that the scope for regional working can be

strengthened throughout the document. This was the major theme of his comments.

31. Officer Comment:

The Act is clear that the local authority, jointly with the health board, needs to develop a strategy for the local authority area. However, Welsh Government is also seeking to pool its VAWDASV grant on a regional footprint which will require some form of regional working from 2018/19 however, since that requirement has been imposed there has been further announcement from Welsh Government that the AMBU footprint is to change. Officers and local partners believe that there are many aspects of the Strategy which require strong partnership working at the local level, for example, the need to integrate early intervention and prevention work with Families First funded services, delivery of programmes through our schools and youth services; the delivery of training. However, officers are also clear that in other areas, regional or even wider area collaborative working is desirable. These areas would include: the planning of training against the national training framework; the development of low volume/high complexity services (such as programmes for perpetrators); some elements of communication activity. Consequently, it seems desirable to reflect in the final strategy those areas which lend themselves to local action and those actions which might benefit from wider area working.

32. Summary of Consultation Responses:

A small number of people responding to the on-line consultation, commented on the need to develop the performance management framework.

33. Officer Comment:

This is acknowledged in the draft Strategy and actions to take this work forward have already been included.

34. Summary of Consultation Responses:

Finally, there were also comments that the Strategy would benefit from more detail about people with protected characteristics.

35. Officer Comment:

This can be built into the performance framework referred to above.

36. The Scrutiny Committee is invited to consider the themes arising from the consultation and to comment upon the areas of the draft Strategy that should now be amended prior to final presentation to the Cabinet Board in September 2017.

## **Financial Impact**

37. There are no new identified recurring revenue resources identified to support the new duties and responsibilities summarised in this report. Consequently, any proposed changes will require a refocusing of existing resource or acquisition of new funding streams.

38. 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.

39. Additionally, the Welsh Government has notified the Council that its grant funding will be organised regionally from 2018/19 and that a plan of regional activities will need to be submitted in order to secure a share of the regional funding pot by end October 2017. This move to Western Bay funding is now uncertain given the Welsh Government’s announcements regarding the future structure of the ABMU Health Board.

## **Equality Impact Assessment**

40. 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.”



41. The earlier Equality Impact Assessment advised that 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. The feedback from Families Need Fathers has highlighted a gap in the evidence base and proposed response which is covered earlier in this report, together with a suggested response. The earlier Equality Impact Assessment also advised that local research 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, however, the response of the Older Persons Council suggests that there is a need for further work to ensure service responses are better tailored to the needs of older people in some cases. Finally, the consultation has identified the need for a more detailed breakdown of need and service user by protected characteristics and this can be factored into the developing performance management framework.

### **Workforce Impact**

42. 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**

43. 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 the view of the Scrutiny Committee following a period of consultation on the draft Strategy to inform the final Strategy that will be presented to the Cabinet Board in September 2017.

## **Crime and Disorder Impact**

44. 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”.
45. 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**

46. 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. This risk has been mitigated by ensuring proposed actions can be delivered within existing resource, albeit there may need to be a refocusing of how those resources are best used.

## **Recommendations**

47. Having had regard to the impact assessments provided with this report, the Scrutiny Committee is invited to consider the consultation responses and offer views to the Cabinet Board as to whether changes should be made prior to the Strategy being finalised.

## **Reason for Proposed Decision**

48. To scrutinise the consultation responses and provide for further democratic input prior to the Cabinet Board agreeing the final Strategy in September 2017.

## **Implementation of Decision**

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

## **Appendices**

50. Draft VAWDASV Strategy

51. Equality Impact Assessment

### **List of Background Papers**

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

53. Summary of online responses received via Objective Portal

54. Written Responses to Consultation

a) ABMU - Response to VAWDASV Consultation (07/06/2017)

b) DWP - Response to NPT Violence Against Women, Domestic Abuse & Sexual Violence Strategy & Consultation (28/04/2017)

c) Older Persons Council  
NPT OPC Response To NPT Violence Against Women, Domestic Abuse and Sexual Violence Strategy Consultation (07/06/2017)

d) Police & Crime Commissioner - Consultation response Neath Port Talbot Violence against Women, Domestic Abuse and Sexual Violence Strategy 2016-19. (23/05/17)

e) Unison - Consultation response to Neath Port Talbot Violence against Women, Domestic Abuse and Sexual Violence Strategy (11/06/17)

### **Officer Contact**

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