

Title of report: Decision to make a direct award of a contract for domestic abuse services

Decision maker: Director, Adults and Communities

Decision date: Friday 25 June 2021

Report by: Commissioning officer

Classification

Open

Decision type

Non-key

Wards affected

All wards

Purpose

To approve the direct award of a contract for domestic abuse services to West Mercia Women's Aid for a total period of one year, commencing in July 2021. The new services would be complementary to the existing commissioned domestic abuse support service, provided by West Mercia Women's Aid. They would encompass extension of dispersed accommodation and associated support and new services to engage vulnerable victims from under represented communities. They will also deliver enhanced specialist support for children's safeguarding arrangements and the development of new models of working under the new Act

Recommendation(s)

That:

- a) a direct award of a contract for the provision of domestic abuse services to West Mercia Women's Aid be approved, in consultation with the cabinet member for health and wellbeing, to a maximum value of £362k, for a period of one year commencing in July 2021.

Alternative options

1. To offer the opportunity to deliver the contract through an open tender process.

This option is not recommended for the following reasons:

- The local market is limited in offering the knowledge and skills to deliver the domestic abuse services required. When the existing domestic abuse support service was commissioned in 2019, West Mercia Women's Aid was the only bidder. It is unlikely that an open tender process would result in any viable alternative bids for such a short term opportunity.
- There is a need to commission additional services quickly in order to make best use of the resources available. There is an expectation that the grant funding from the MHCLG should be spent, so far as possible, within the financial year 2021/2022. It is anticipated that any underspend could lead to a reduction in funding in future years.
- As the current commissioned provider of domestic abuse support services for Herefordshire, West Mercia Women's Aid are uniquely placed to mobilise the new contract quickly and effectively.

2. To vary the existing contract with West Mercia Women's Aid.

This option is not recommended. The existing contract has been varied twice previously to incorporate:

- Grant funding from the Ministry of Housing, Communities and Government (MHCLG) for the financial year 2020/21 to fund a project providing additional accommodation and associated advocacy and support for families affected by domestic abuse, to a maximum value of £94,125.
- A direct award to West Mercia Women's Aid to provide a Domestic Abuse Support and Advocacy Worker to the multi-agency Edge of Care/Home (ECHO) Service, to a maximum value of £37,000 per annum for a maximum of 4 years.

The total cost of these variations was £242,125. Procurement regulations stipulate that a contract can only be varied to a maximum of 50% of the original contract value. Varying the contract to include the new services would bring the total value of all variations very close to this limit.

3. To deliver the domestic abuse service within the council

This option is not recommended. Providing services for domestic abuse victims safely requires specific knowledge and expertise, plus access to the national refuge network, intelligence systems and data sharing with key partners, all of which exist through the commissioned provider. At present, the council does not have existing expertise or capacity to deliver the services in-house and the requisite recruitment would be time-consuming and challenging.

4. Not to commission further domestic abuse support services

This option is not recommended. All councils are expected to meet the duties specified within the new Act and funding has been released to assist council to meet the associated financial burdens. If the council fails to meet the new duties, there may be a risk of a legal challenge. Additionally, if the council does not spend the grant funding, this would represent a missed opportunity to make proper use of resources. It would also likely be reflected within the government's spending review and may risk a reduction in domestic abuse-related funding to the council in future years.

Key considerations

5. The council is expected to respond to new duties within the draft Domestic Abuse Act 2021 during the financial year 2021/22. The duties include maximising opportunities to identify and respond to domestic abuse, including the provision of safe accommodation and associated support. The Ministry for Housing, Communities and Local Government (MHCLG) has provided funding, initially for one year, to support the council to establish additional and improved provision.
6. Herefordshire has comparatively strong availability of housing and support for victims of domestic abuse, although this may need to be augmented to encompass the new requirements for safe accommodation. It is also recognised that the arrangements can be strengthened to maximise opportunities to identify victims and meet their individual needs. This is especially true for victims from certain communities, who are under-represented in accessing the existing domestic abuse support service. Strengthening the provision would help enable the council to meet the new duties.
7. The draft Domestic Abuse Act 2021 places the following new responsibilities upon councils:
 - To undertake a comprehensive local needs assessment every three years, with an annual review.
 - To develop and publish a local Domestic Abuse Strategy, informed by the needs assessment, every three years, with an annual review.
 - To form a Local Partnership Board, consisting of key local partners and victims (or their representatives).
 - To develop 'safe accommodation' which adequately meets local need and forms part of a national network and provide associated support.
7. In February 2021 the government announced that all tier one councils would receive a Section 31 Local Government Act 2003 funding for the financial year 2021/22. The funding did not have to be fully spent within the financial year, however, any underspend may impact the spending review. This funding was in addition to a one-off grant to enable council's to increase their staffing capacity to implement some of the changes under the Act.
8. The government also announced that all councils would be expected to have completed a local needs assessment and developed or reviewed a local Domestic Abuse Strategy, stipulating that the strategy must be published by August 2021. This indicates that the needs assessment and commissioning activity must run concurrently.
9. In October 2018 Cabinet approved the recommissioning of domestic abuse support services for Herefordshire for five years from April 2019, to a total value of £1.3m. Cabinet also delegated authority to the director of adults and communities to finalise arrangements and award contracts.

10. It is recognised that domestic abuse is a hidden challenge, with many victims subjected to many instances of abuse before they make a disclosure. Often victims do not feel able to disclose the abuse at all. Some people with certain characteristics are even more difficult to reach or identify as victims of domestic abuse, including:
- Disabled people
 - People from Black, Asian or minority ethnic communities (BAME)
 - People from the Lesbian, Gay, Bisexual, Transgender or Queer + (LGBTQ+) community
 - Men

People from the above communities are under-represented among those using the existing domestic abuse support service.

The data shown below has been provided by West Mercia Women's Aid. Of note, the data for 2020/21 shows quarters 1-3 only (April to December 2020) as quarter four is yet to be provided.

Ethnicity	Percentage of referrals to WMWA	
	2019/20	2020/21
White British	62%	70%
Black/Minority Ethnic Group	12%	13%
Ethnicity unknown	26%	17%

Sexual Orientation	Total referrals	
	2019/20	2020/21
Heterosexual	93	363
Gay	0	0
Lesbian	2	1
Bisexual	0	6
Pansexual	0	3
Unknown	164	289
Total	259	662

Disability	Total referrals	
	2019/20	2020/21
Physical	44	43
Learning	17	17
Hearing	2	9
Visual	5	5
Mental Health	123	162
Total	191	236

Of 1075 referrals made to WMWA in 2019/20, 6 were for male victims and data for 2020/21 shows 4 referrals of men.

WMWA recognises that capturing the performance around the identity or protected characteristics of service users requires improvement and this is reflected in the data provided. Capturing such data from victims when they make initial contact to the service can be difficult due to the emotive circumstances. The new proposed service would include resources to focus activity around improving data-capture.

11. Whilst the existing service is in principle available and responsive to the needs of any victim of domestic abuse, the low numbers of people with the identified characteristics accessing the service indicates that a new approach is required.

The new approach will complement existing services and pathways for victims. The aim is to ensure that any victim of domestic abuse is identified at the earliest opportunity and provided with safe housing and/or advice and support which adequately meets their needs. This includes any child victim of domestic abuse, utilising a 'whole family' approach and will include:

- Connecting WMWA with universal services, organisations, community groups and individuals with expertise in working with and for people with the identified characteristics. Training and awareness raising will upskill professions across these services/organisations to recognise and respond to domestic abuse, raise awareness, create culture change and communicate services available. Learning will be shared and embedded around adapting practice to better identify and support people with the identified characteristics.
- Increased communication and media activity
- Continuation and expansion of an established project, funded by MHCLG and developed during the Covid19 response, which established:
 - o 7 houses in Herefordshire used as dispersed refuge accommodation for victims fleeing domestic abuse (in addition the main refuge).
 - o Associated advice, advocacy and support for adults and children

Housing for the project has been, and will be continue to be, sourced through local stock-holding providers.

- An experienced domestic abuse professional co-located virtually within the Multi-Agency Safeguarding Hub and Domestic Abuse Hub for the purposes of developing and sharing intelligence and triage of cases. This will maximise opportunities for early identification, safety planning, signposting and intervention. The role will also focus on enhancing the data captured around protected characteristics by West Mercia Women's Aid, which will also support the needs assessment.

The additional funding from the MHCLG offers the council an opportunity to explore efficacy of this more targeted approach towards supporting people from under represented communities during 2021/22, while allowing more time for the full implications of the Domestic Abuse Act to emerge. The new service will inform commissioning activity beyond this financial year.

The new services will also complement a new male victim domestic abuse helpline which is due to be mobilised in Herefordshire during the summer of 2021. WMWA made a successful bid to the Ministry of Justice through West Mercia Police and Crime Commissioner to host the helpline, in partnership with Worcestershire's male victim support service which is provided by WMWA and the Rooftop Group. The helpline will be appropriately branded to ensure it attracts the attention of male victims and distances itself from the 'Women's Aid' element of WMWA.

12. The concept of safe accommodation is central to the provisions of the new Act and subject to statutory guidance and regulations, it is anticipated that any accommodation to which victims of domestic abuse are placed, referred or supported to take up must meet the "safe accommodation" criteria. The existing women's refuge and dispersed accommodation will meet the definition but other options will need to be considered, given continuing demand on homelessness services and home point from people fleeing domestic abuse.

13. WMWA and referring teams have identified a small cohort of victims who have multiple complex vulnerabilities, particularly involving high risk substance use needs. There are challenges for existing domestic abuse services in meeting the needs of these victims effectively to support people to live more safely and independently. There is a need to identify or develop a model of support for this small high risk group to complement other domestic abuse services.
14. It is proposed to use around 17% (£63k) of the funding available to deliver a pilot project during 2021/22 to establish an alternative model for delivering safe accommodation in partnership with housing services and/or specialist provision for victims with high risk substance use needs. The project and its costs would be incorporated within the proposed contract to be awarded to WMWA. Detailed proposals for this pilot project will be subject to further governance by July 2021, in the form of a record of officer decision.
15. The proposed approach will ensure best use is made of the new resources available by expanding the current services of WMWA in the short term. Also, using the existing provider will enable the new services to mobilise quickly. However, it is usual practice for the council to commission services by offering providers the opportunity to bid for contracts in order to ensure services are competitive, innovative, of high quality and value for money. It is planned to recommission domestic abuse services in this way as soon as practicable and certainty of resources available allows. In preparation, the council will conduct market engagement activity during 2021/22 to explore and stimulate interest in future commissioned services.

Community impact

16. The council's County Plan 2020-24 includes a commitment to improving the sustainability, connectivity and wellbeing of our county by strengthening our communities. Commissioning of effective domestic abuse services is therefore key to ensuring victims of domestic abuse and their children are safe, able to access good quality advice and support, and enabled to build their resilience to avoid the cycle of abuse being perpetuated.
17. Adding further domestic abuse services to the existing provision will have a positive impact upon the role of the council as 'corporate parent' to 'looked-after children'. The new service provides an added focus early identification of children exposed to domestic abuse and interventions which increase safety and reduce the impact. Care-experienced young people may potentially become victims or perpetrators of abuse and it is the responsibility of the council and partner agencies to prioritise early intervention and connect them to the appropriate sources of support
18. The new domestic abuse services will include raising awareness across universal services, organisations, local groups and individuals, which will benefit the community. It will also create a network of trained people who can be utilised to share information and learning to inform future services.
19. The domestic abuse service will extend the length of time and number of houses in the community available to victims fleeing domestic abuse. Learning from delivery of the project delivered during 2020/21 and to be carried forward includes:
 - The importance of using housing providers with the appropriate quality standards, knowledge and experience to deliver the service safely.

- Local housing providers benefit from the knowledge developed by partnering in delivery of domestic abuse services. This knowledge can be shared across their wider housing provision, so benefitting the communities they serve.
- Communities in a market town have expressed a desire to have domestic abuse accommodation in their area and to provide assistance. This also raises awareness and creates culture change and may be a model which could be replicated in other rural locations.

Environmental Impact

20. Herefordshire Council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.
21. The environmental impact of this proposal has been considered and will be included within the service specification, including appropriate requirements on the provider to minimise waste, reduce energy and carbon emissions and to consider opportunities to enhance biodiversity. This will be managed through the ongoing contract management.

Equality duty

22. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:
A public authority must, in the exercise of its functions, have due regard to the need to;
 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
23. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation.
24. The Equality Act 2010 established a positive obligation on local authorities to promote equality and to reduce discrimination in relation to any of the nine 'protected characteristics' (age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion or belief; sex; and sexual orientation). The new contract will provide extra measures to ensure the council is reaching across the whole population of Herefordshire to identify and respond to domestic abuse.
25. While the domestic abuse support service is required to demonstrate how it will meet the needs of any victim of domestic abuse, the new services will focus upon people from the communities specified. People from within these communities are not currently accessing the existing services to a proportionate level, which is also

consistent with national data and research. The prevalence of domestic abuse is reported to be higher in BAME and LGBTQ+ communities and amongst victims with disabilities. It is expected that, by adopting a new approach which includes actively reaching into these communities, it will increase the identification of victims and change the perceptions and beliefs around what constitutes domestic abuse and who can be affected.

26. Domestic abuse remains a gendered crime, with women being the victim in the majority of cases. The new services will be designed to complement the existing offer and also increase identification of female victims.
27. The commissioned service is required to demonstrate how it will meet the needs of any victim of domestic abuse, including making services accessible and responsive. The services will incorporate new working practice adopted during Covid-19, including making services accessible virtually where appropriate. This approach is foreseen to be especially useful for victims who have difficulty physically accessing services due to challenges around transport, physical access or childcare.

Resource implications

28. The existing commissioned domestic abuse support service will not have any reduction in resources or contract value as a result of the direct award of the new contract.
29. The current contract with WMWA for domestic abuse support services is valued £1,290,000, with the contract period being from 1st April 2019 to 31st March 2024.
30. The proposed new contract will be for a total period of one year and funded entirely by the section 31 grant allocated to the council by the Ministry for Housing, Communities and Local Government (MHCLG). An exemption from the council's contract procedure rules is being sought to enable a contract to be awarded directly to WMWA for one year.
31. The new contract will be delivered within the £361,911 grant allocated to the council by the MHCLG.
32. There will be no capital expenditure as this falls outside the scope of the section 31 grant.
33. Almost £63k has been allocated to mobilising and implementing a pilot project during 2021/22, exploring a different model for providing safe accommodation for victims of domestic abuse, potentially including support of people with high risk substance use needs. The detailed financial implications of this project will be subject to further governance.
34. There will be no direct cost of acquiring community housing. The costs of rent and housing management are agreed between the housing provider and tenant but involve applications for housing benefit.
35. It is expected that limited void costs will be incurred as part of delivering community-based accommodation. WMWA will ensure void costs are kept to a minimum by:
 - Maintaining comprehensive oversight of timescales for families moving on from community housing to ensure places are advertised and filled expeditiously.

- Entering housing management agreements with local registered housing providers which will ensure void costs and responsibilities are transparent and kept to a minimum.

The void costs are not expected to exceed £5k across the life of the contract based upon evidence from the accommodation mobilised during 2020/21.

36. Projected expenditure:

Expenditure July 2021 – July 2022	Value
Staffing for main extended services: <ul style="list-style-type: none"> - 5.5 FTE Support/Partnership Officers - Additional 1.5 days per week from existing staff to support communications and training activity - 1 x service lead 	£211,756
Staff set up costs including travel and subsistence expenses, training, telephone contracts, IT and software licenses	£26,527
Staffing and contracting costs for pilot project for new model of provision.	£62,965
Interpretation and translation costs (language facilitation and communication material)	£5,000
Production of infomercials, multi-media resources for and targeted media campaigns dissemination on social media	£10,850
Venue Hire for engagement in rural areas	£1,000
WMWA Support/ Core Costs including organisational management and governance, insurance, premises-related costs, monitoring and reporting, HR and finance including purchasing and payroll.	£38,813
Void costs	£5,000
TOTAL	£361,911

Legal implications

37. The Domestic Abuse Act 2021 places a new statutory duty on the council making them accountable for ensuring that the needs of victims of domestic abuse in safe accommodation are met in a consistent way and ensure that safe accommodation is adequate and suitable.
38. The monies are being made available to the council under section 31 of the Local Government Act 2003 and any conditions attached to this funding will be included in the contract with WMWA to ensure that the council meets the requirements of the funding.
39. The council is able to accept the funding under s1 of the Localism Act 2011 which empowers the council to undertake any action that an individual can.

Risk management

40. The risks and mitigation should the proposals be accepted are detailed below.

Risk	Mitigation
<p>The allocated grant funding is not spent in full by the end of the 2021/22 financial year.</p>	<ul style="list-style-type: none"> - The MHCLG have advised the funding is for the current financial year and for the purpose of assisting council to meet the new duties in the Domestic Abuse Act. However, there is no specific requirement to spend the funding within-year as part of a section 31 grant. Therefore the risk of the council being found to be non-compliant or having any funding withdrawn is very low. - The key risk is therefore inherent within any unspent funding, namely the impact it could have on the 2022 spending review which will influence future funding allocations to councils. While the commissioning activity aims to spend the funding in-full, there will always remain some risk of unspent funds.
<p>The project does not reach the intended groups of people with the identified characteristics</p>	<p>The following measures will be taken to mitigate this risk:</p> <ul style="list-style-type: none"> - WMWA will be working with partners across communities with specific expertise around supporting people with the identified characteristics. This partnership focus will include reaching into services/groups to actively seek out victims of domestic abuse, while also raising awareness. - The outputs and outcomes within the contract will be carefully monitored and the service will be responsive to learning. - The contract is for one year and is being treated as a pilot project by the council. The learning will inform future service design and commissioning activity.

Alternative providers challenge the decision to make a direct award of the contract to West Mercia Women's Aid.	<ul style="list-style-type: none"> - There is a low risk of this occurring. During the previous procurement of domestic abuse services there were low levels of interest. - The contract is for one year to enable the service and funding position to be reviewed. During this time the council will engage with providers to stimulate interest in future contracts.
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41. Risks will be monitored and escalated through the adults and communities directorate risk register where necessary.
42. If the proposals in this report are not accepted, the council will be required to re-consider how the grant funding could be spent. This will cause delays to commissioning activity which will roll spending of the grant further into 2022/23 and increase the risk of an adverse impact upon the 2022 spending review.

Consultees

43. The following key stakeholders have been consulted in designing the proposed new service and recommendation to award a contract to West Mercia Women's Aid for one year:
 - West Mercia Police and Crime Commissioner's office
Offered advice based on experience of commissioning domestic abuse services and commented that a service for male victims which is complementary to the male victim helpline, plus a service which reaches into services and groups for victims with the identified characteristics, would be beneficial and welcomed.
 - West Mercia Police
(Provides the Chair for the Domestic Abuse Delivery Group). The police have been pro-active key stakeholders in delivery of the priorities within the Domestic Abuse Strategy for Herefordshire 2019-2022. The proposals for the new service are aligned to aims, objectives and actions within the strategy, specifically around identifying and responding to victims from hard to reach groups. Therefore the police are supportive of the proposed new contract.
 - West Mercia Women's Aid
Offered advice during the scoping phase and negotiated and shaped the proposed contract. WMWA have welcomed the opportunity to work across partnerships to upskill professionals, raise awareness and create culture change.
 - Worcestershire Male Victim Support Service (West Mercia Women's Aid and Rooftop Housing Group)

Offered pragmatic advice around reaching male victims and the most effective methods of response. Worcestershire Male Victim Support Service will partner with WMWA to deliver the proposed contract.

- Regional Lead for the Domestic Abuse Commissioner's Office
The proposals for the new services have been shared with the Regional Lead, who advised that the approach was refreshing and the most effective response to assisting victims from communities who are hard to reach.

Comments from each stakeholder have been used to inform the recommendations in this report and the proposed service design for the new contract.

Appendices

None

Background papers

None identified.