

Title of report: Domestic Abuse Safe Accommodation and Support Commissioning for 2022/23

Decision maker: Cabinet Member Health and Adult Wellbeing

Decision date: 12 August 2022

Report by: Senior Commissioning Officer

Classification

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose

To approve the commissioning plan for the Domestic Abuse new burdens funding allocation for 2022/23.

Recommendation(s)

- a) **That the commissioning plan for the use of the Domestic Abuse new burdens funding allocation for 2022/23 is approved.**
- b) **That approval for any amendments to the proposed commissioning plan is delegated to the Service Director, All Age Commissioning.**

Alternative options

1. To award all of the funding to a single provider via a direct award. This is not recommended as this does not encourage competition within the market place and creates a legacy of short term investment which is difficult for organisations. Some of the activities that the council is seeking to commission using the new burdens funding could be provided by a range of potential providers, the community commissioning team are keen to test the market for the delivery of these activities, with the aim of attracting new providers and ensuring value for money.

2. To tender all elements of the work required. This is not recommended as the council has an existing contract with West Mercia Women's Aid for some of the projects within the proposed commissioning plan. These projects were established with last year's new burdens funding and the continued commissioning of West Mercia Women's Aid will ensure the continuation of the provision of supported safe accommodation for survivors of domestic abuse and their families, as well as support for children and young people and people with protective characteristics and / or complex needs. These projects directly contribute towards the delivery of the Local Authority duties set out in the Domestic Abuse Act 2021.
3. To deliver the domestic abuse service within the council. This option is not recommended. Providing services for domestic abuse victim-survivors 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.

Key considerations

4. The Domestic Abuse Act 2021 placed a range of new duties on local authorities across England including the requirement to:
 - a) Undertake a comprehensive local needs assessment every three years, with an annual review. A domestic abuse needs assessment was completed for Herefordshire in 2021.
 - b) Develop and publish a local Domestic Abuse Strategy, informed by the needs assessment, every three years, with an annual review. The council's domestic abuse strategy was approved by Cabinet in May 2022.
 - c) Form a Local Partnership Board, consisting of key local partners and victim-survivors (or their representatives). The Domestic Abuse Local Partnership Board in Herefordshire, first met in December 2021 and meets on a quarterly basis. A work programme is being developed, linking to the priorities in the domestic abuse strategy.
 - d) Develop 'safe accommodation' which adequately meets local need and forms part of a national network and provide associated support. Additional investment was made in safe accommodation and support using the new burdens funding for 2021/22. The commissioning plan for 2022/23 builds on this and seeks to extend the amount of safe accommodation available in Herefordshire by another five supported units.
 - e) Monitor and evaluate the effectiveness of the strategy and report back to Government. The community commissioning team, with support from West Mercia Women's Aid, have recently submitted the first data return linked to the new duties.
5. To enable council's to continue to meet these new duties, the Department for Levelling Up, Housing and Communities (DLUHC) has developed a new burdens fund. It is through this fund that the council has been allocated a non-ring fenced Section 31 grant of £362,913 for 2022/23 (Appendix A and B). It is anticipated that the new burdens fund will continue in future years, but it is not clear if this will be on an annual basis or what the annual settlement amount might be, making it challenging to make longer term plans.
6. As outlined above, the Domestic Abuse Act 2021 has placed emphasis on need for safe accommodation for victims of domestic abuse and their children and sets out clearly that this includes:

- a) Refuge accommodation – a refuge offers single gender or single sex accommodation and domestic abuse support which is tied to that accommodation. The address will not be publicly available. Victims, including their children, will have access to a planned programme of therapeutic and practical support from staff. Accommodation may be in shared or self-contained housing, but in both cases the service will enable peer support from other refuge residents. There is a refuge in Herefordshire that offers 10 units of safe accommodation with support.
 - b) Specialist safe accommodation – specialist safe accommodation offering single gender or single sex accommodation, alongside dedicated domestic abuse support which is tailored to also support those who share particular protected characteristic(s) and / or who share one or more vulnerabilities requiring additional support. Accommodation may be in shared or self-contained housing, and the address will not be publicly available. Connexus have provided 9 units of dispersed safe accommodation in Herefordshire. Specialist support for the individuals and families living in this accommodation is provided by West Mercia Women's Aid.
7. The legislation is clear that privately-owned and managed temporary accommodation which is not separate or self-contained and with shared toilet, bathroom, or kitchen facilities (such as B&B accommodation) is not considered relevant safe accommodation, and is specifically excluded in the legislation so local authorities should not commission domestic abuse support for victim-survivors within these types of accommodation under these duties.
 8. During 2021/22 West Mercia Women's Aid received 141 referrals for the 19 units of safe accommodation described above, with 79 households being accommodated throughout the year. Of the 141 referrals made, 33 were in county, 32 were within the West Midlands region and 76 were from outside of the region. Referrals come from across the UK as survivors of domestic abuse sometimes need to move area in order to ensure safety for themselves and their families.
 9. In addition to the data from West Mercia Women's Aid, figures from the council's housing solution team further evidence that demand continues to outstrip the supply for safe accommodation and that this leads to the continued use of B&B accommodation, even though it is not considered to be safe accommodation under the legislation. At least 23 survivors of domestic abuse have been housed in B&B accommodation since the legislation came into place on 29 April 2021, including 8 families; this is because no other form of emergency or safe accommodation has been available.
 10. It is recognised that domestic abuse is a hidden challenge, with many victim-survivors subjected to multiple instances of abuse before they make a disclosure. Often victim-survivors 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: -
 - a) Disabled people
 - b) People from Black, Asian or minority ethnic communities (BAME)
 - c) People from the Lesbian, Gay, Bisexual, Transgender or Queer + (LGBTQ+) community
 - d) Men

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

11. The Domestic Abuse Act 2021 requires that Local Authorities take into account the different needs of people with protected characteristics including disabled people, minority ethnic or faith communities, those from the Gypsy Roma and Traveller community, LGBTQ+ victims,

older victims, as well as victims with complex needs such as mental health or drug and alcohol problems must also be taken into consideration.

12. Last year the council commissioned West Mercia Women's Aid to expand their work to meet the requirements of the Domestic Abuse Act including focused work with people with protected characteristics via specialist workers and a promotional campaign. Year end monitoring figures indicate an increase in referrals for people with protected characteristic, suggesting that this investment is working, with notable increases in referrals for disabled people (66 referrals in 2019/20 and 380 referrals in 2020/21) and for men (1 referral in 2020/21 and 27 referrals in 2021/22). These figures are very encouraging, but it should be noted that due to the COVID-19 pandemic overall referral numbers dropped in 2020/21 to 954. There were 1106 referrals in 2021/22. Whilst West Mercia Women's Aid is not the sole beneficiary of this years new burdens grant allocation, the council acknowledges the work that they have done in order to meet the requirements of the Domestic Abuse Act 2021 and are keen to continue this work on a scaled down basis, whilst also investing in new opportunities.

13. The commissioning proposal is summarised below:

Funding theme	Activity	Budget allocation	Commissioning Route
Safe accommodation with support	Furnishing of up to 5 units of accommodation and 12 months outreach support.	£74,999	Invitation to 4 suitably qualified organisations to submit a quote via the procurement portal.
Advocacy support	Development of a Herefordshire and Worcestershire Lived Experience Advisory Group (LEAG) to inform domestic abuse work across the two counties and feed into each respective Local Partnership Board as per the requirements of the legislation. The LEAG will also seek representation from the voices of children with lived experience of domestic abuse. This is a gap in the current membership of our Local Partnership Board.	£24,999	Invitation to 3 suitably qualified organisations to submit a written quote.
Domestic abuse-prevention advice	DRIVE project. The Drive Project is a response to domestic abuse that aims to reduce the number of child and adult victims	£70,000	Drive – direct award to Police and Crime Commissioner as they are the lead commissioner for this service which is

	of domestic abuse by deterring perpetrator behaviour.		already in place in the county.
Specialist support for victims with relevant protected characteristics and / or complex needs	Dedicated provision and support for people with protected characteristics and / or complex needs in line with the legislation – including safe accommodation	£108,607	Extension of current contract - West Mercia Women's Aid
Children's support	Continuation of domestic abuse specialist co-located with council's MASH team and support for young people in safe accommodation.	£ 46,343	Extension of current contract - West Mercia Women's Aid
Housing-related support	Provision of specialist legal advice around housing issues – pilot project.	£17,408	Invitation to 3 suitably qualified organisations to submit a written quote.
	Housing support for those in existing safe accommodation.	£14,373	Extension of current contract - West Mercia Women's Aid
Counselling and therapy for adults	Continuation of an existing service offered via West Mercia Women's Aid.	£6184	Extension of current contract - West Mercia Women's Aid
Total		£362,913	

14. The council are required to report to DLUHC on the implementation of statutory duties linked to the Domestic Abuse Bill on an annual basis. The reporting process includes over 100 questions / data requests as well as additional detailed questions about the use of the new burdens funding allocation and safe accommodation.

Community impact

15. 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 victim-survivors 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.
16. 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 proposal includes the continuation of a domestic abuse co-ordinator in the MASH team. This provides an added focus on the early identification of children exposed to domestic abuse and

interventions which increase safety and reduce the impact. The funding will also be used to support children and young people in safe accommodation.

17. The funding will enable investment in additional safe accommodation which will link directly with the council's housing solutions team, reducing reliance on B&B accommodation and improving outcomes for victim-survivors of domestic abuse and their children.

Environmental Impact

18. It is anticipated that the safe accommodation service being commissioned will be provided by a Registered Provider. Registered Providers have to meet a range of national standards and are regulated by the Housing Ombudsman. The environmental impact of this proposal will be considered through each service specification and will include appropriate requirements on the contractor/delivery partner to minimise waste, reduce energy and carbon emissions and to consider opportunities to enhance biodiversity. This will be managed and reported through ongoing contract management.
19. The 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.

Equality duty

20. 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
21. 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.
 22. The prevalence of domestic abuse is reported to be higher in BAME and LGBTQ+ communities and amongst disabled victims. It is expected that by actively reaching into these communities, providers will increase the identification of victims and change the perceptions and beliefs around what constitutes domestic abuse and who can be affected. Evidence suggests that this is already happening and we seek to build on this, by continuing to invest in this work. In supporting this decision the council is actively demonstrating its commitment to the equality duty.

Resource implications

23. The commissioning proposal outlined in this report will be funded in full by the domestic abuse new burdens funding allocation of £362,913 awarded to the council for 2022/23. The forecast planned spend is £362,913, therefore is no impact on the base budget of the council.
24. An exemption from the council's contract procedure rules is being sought to enable the continuation of the work being done by West Mercia Women's Aid for one year. The total value of this work is £175,507.

Revenue or Capital cost of project (indicate R or C)	2020/21	2021/22	2022/23	Future Years	Total
	£000	£000	£000	£000	£000
<i>Domestic Abuse New Burdens Commissioning 2022/23 – please see spend proposal under point 13.</i>	0	0	362,913	0	362,913
TOTAL					

Funding streams (indicate whether base budget / external / grant / capital borrowing)	2020/21	2021/22	2022/23	Future Years	Total
	£000	£000	£000	£000	£000
<i>DLUHC Domestic Abuse New Burdens Funding Allocation for Herefordshire 2022/23</i>	0	0	362,913	0	362,913
TOTAL					

Revenue budget implications	2020/21	2021/22	2022/23	Future Years	Total
	£000	£000	£000	£000	£000
<i>There are no budget implications as the funding allocation will cover the commissioning costs in full.</i>					
TOTAL					

Legal implications

25. The Domestic Abuse Act 2021 introduces a number of new obligation on the council and this commissioning strategy sets out the council's approach to meeting these obligations.

26. With the exception of the extension of the contract with West Mercia Women's Aid the commissioning strategy will ensure that contracts are awarded in accordance with the council's contract procedure rules.
27. The funding for this strategy comes from the Domestic Abuse New Burdens Funding Allocation for Herefordshire 2022/23 from the Department of Levelling Up, Housing and Communities (DLUHC) and this funding is provided under s31 of the Local Government Act 2003 the grant determination is explicit that the funding is to be used for specialist accommodation-based support and service reform to meet the Priorities for Domestic Abuse Services. To access this funding the council is required to enter into a Memorandum of Understanding (MoU) with DLUHC This MoU has been reviewed by Legal Services and there are no unusual or onerous terms. The key terms are:
 - a. The funding period is from 1 April 2022 – 31 March 2023.
 - b. The MoU formalises the working relationship between the council and DLUHC for the purposes of undertaking the council's functions under Part 4 of the Domestic Act 2021 which relates to the provision of support services to the victims of domestic abuse and their children within safe accommodation.

Risk management

28. The risks and mitigations linked to this commissioning proposal are outlined below. These risks will be managed by the Community Commissioning Team with the support of the Service Director, All Age Commissioning.

Risk / opportunity	Mitigation
<p>The allocated grant funding is not spent in full by the end of the 2022/23 financial year.</p>	<p>The DLUHC have advised the funding is for the current financial year and for the purpose of assisting council to meet the duties in the Domestic Abuse Act 2021. 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.</p> <p>The spend proposal seeks to spend the grant in full. It is not clear what impact an underspend might have on future years allocation, but it is the council's ambition to spend the full allocation to benefit victim-survivors of domestic abuse and their families.</p> <p>If one element of the spend proposal did not proceed for any reason, there are a number of other domestic abuse prevention projects that the funding could be allocated too. Delegated responsibility for any changes to the commissioning proposal has been requested to ensure that this can be dealt with quickly.</p>
<p>Unable to secure additional units of safe accommodation.</p>	<p>Scoping discussions with Registered Providers have already indicated that there is some interest in this project. The properties will be managed by the Registered Provider, who will be able to use the funding to engage a dedicated domestic abuse support worker to provide outreach to these and other temporary accommodation properties. Funding has also been included for furnishing and damages in order to de-risk the project for Registered Providers.</p>

<p>The project does not reach the intended groups of people with the identified characteristics</p>	<p>The scope of the commissioning proposals are deliberately wide to ensure that the funding is used to reach the widest possible range of beneficiaries.</p> <p>West Mercia Women's Aid will build on the pilot project started last year, 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. Data suggests that this work is already having a positive impact.</p>
<p>Alternative providers challenge the decision to continue the work that West Mercia Women's Aid were contracted to do during 2021/22.</p>	<p>There is a low risk of this occurring. During the previous procurement of domestic abuse services there were low levels of interest.</p> <p>The council has ensured that the scope of the commissioning proposal is wider than last year and is keen to develop relationships with new providers across a range of the activities included in this proposal.</p>

Consultees

29. The way in which this funding can be used is limited to safe accommodation and support for victim of domestic abuse and their children.
30. This commissioning proposal has been developed based on the information gained through the Domestic Abuse Needs Assessment carried out in 2021 and the Domestic Abuse Strategy agreed in May 2022. A community consultation exercise was carried out on the draft strategy and a consultation and engagement process has been carried out with people with lived experience of domestic abuse in Herefordshire. The feedback from these consultations has been used to inform this proposal.
31. A high level summary of the commissioning proposal was outlined at the Domestic Abuse Local Partnership meeting, which includes representatives from West Mercia Constabulary, the council, West Mercia Women's Aid, Registered Providers (Housing), Herefordshire and Worcestershire CCG and people with lived experience.

Appendices

Appendix 1 – Annex A draft grant determination from DLUHC

Appendix 2 – Annex B Memorandum of Understanding (MOU) from DLUHC

Background papers

None

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published

Governance	John Coleman	Date 18/07/2022
Finance	Kim Wratten	Date 19/07/2022
Legal	Alice McAlpine	Date 18/07/2022
Communications	Luenne Featherston	Date 11/07/2022
Equality Duty	Carol Trachonitis	Date 08/07/2022
Procurement	Lee Robertson	Date 08/07/2022
Risk	Jo Needs	Date 14/07/2022

Approved by Hilary Hall Date 21/07/2022