

# Title of report: Domestic Abuse Commissioning - 2024

**Decision maker: Cabinet member adults, health and wellbeing**

**Decision date: Monday 17 July 2023**

**Report by: Hannah McSherry, Senior Commissioning Officer**

## **Classification**

Open

## **Decision type**

This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A threshold of £500,000 is regarded as significant.

This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

## **Wards affected**

(All Wards);

## **Purpose**

To approve the recommissioning of domestic abuse services, via a competitive tendering process, commencing in April 2024.

**That:**

- a) Approval is given for the re-commissioning of domestic abuse services commencing in April 2024.**
- b) That delegated authority is given to the Corporate Director, Community Wellbeing to approve contract award, any changes to the commissioning process and subsequent operational management of contracts for their duration, including the option to extend.**

## **Alternative options**

1. Not to commission support services for victims of domestic abuse. This is not recommended. The Domestic Abuse Act 2021 introduced a range of new duties for councils. The Government has supplied new burdens funding to support council's to deliver the new duties which include establishing a domestic abuse local partnership board, assessing need, developing a domestic abuse strategy and ensuring that victims and their children are able to access safe accommodation with support.
2. To award all of the funding to a single provider via a direct award. This is not recommended as it is not in line with the council's contract procedure rules. The combined value of the tender opportunities is above the relevant UK threshold. Contracts with a value in excess of the relevant UK threshold must be let in accordance with the relevant procurement legislation. Formal tender documents must be used and the entire process of advertising, selecting suppliers to tender, through to final award, is highly prescribed under UK law for all procurements over the relevant threshold.
3. To deliver the domestic abuse service within the council. This option is not recommended. Providing services for domestic abuse victim-survivors safely requires specialist 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.

## **Key considerations**

4. The Domestic Abuse Act 2021 introduced a range of new duties for councils. The Department for Levelling Up, Housing and Communities (DLUHC) has supplied 'new burdens' funding to support council's to deliver the new duties which include establishing a domestic abuse local partnership board, assessing need, developing a domestic abuse strategy and ensuring that victims and their children are able to access safe accommodation with support.
5. As well as setting out new duties, the Domestic Abuse Act 2021 places a clear emphasis on the need to take into account the different needs of people with protected characteristics including people with disabilities, 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. It also sets out the requirement for victims and their children to be accommodated in safe accommodation with support and specifies what safe accommodation is and what it is not e.g. B&B.
6. A needs assessment was undertaken in 2021 to assess the prevalence of domestic abuse in Herefordshire. This document is in the process of being updated and is being used to inform the commissioning process, along with feedback from key stakeholders and people with lived experience of domestic abuse and accessing services and support in Herefordshire.
7. The main domestic abuse support contract is funded by the public health grant. Both the main contract and all of the DLUHC funded contracts for domestic abuse support in Herefordshire are due to end on 31 March 2024. New contracts will need to be active from 1 April 2024.
8. New domestic abuse support services will be procured in line with the council's contract procedure rules which are intended to promote good purchasing practice and public accountability. This will be done via a single tender with five separate lots, all with a specific focus. The opportunities has been lotted in order to create more competition within the market place and allow for new partnerships to develop around specific pieces of work e.g. support for men and boys. Separate specifications for each lot (outlined in the resource implications section) will be developed, each will include an increased focus on prevention. Contracts for each lot will

be as flexible as possible allowing for additional grant investment should it become available or for funding to be withdrawn if needs change, or funding is withdrawn for any reason.

9. The lived experience advisory group lot will be offered for tender in partnership with Worcestershire County Council. This collaboration adds value to the opportunity and to the breadth and quality of the information that we are able to get from people with lived experience of domestic abuse. Worcestershire County Council will contribute £30K per annum to the contract which will initially be for a period of 12 months.

## **Community impact**

10. According to the Crime Survey for England and Wales (CSEW), it is estimated that 7.3% (4,830) of females aged 16-74 and 3.6% (2,380) males aged 16-74 were victims of domestic violence and abuse (DVA) in the county during the year ending March 2020.
11. Commissioning support for victims of domestic abuse and their children fits in with county plans commitments to:
- a) Strengthen communities to ensure everyone lives well and safely together.
  - b) Ensure all children are healthy, safe and inspired to achieve.
  - c) Protect and improve the lives of vulnerable people.
12. Domestic abuse data from service providers across Herefordshire for 2021/22 indicates that:
- a) Women are most likely to be victims of all types of domestic abuse across all ages in Herefordshire.
  - b) The highest level of domestic abuse was prevalent among White and Mixed ethnic groups.
  - c) Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ+) people are disproportionately affected by domestic abuse as are people with disabilities. A study by SafeLives (2017) found that DA against disabled people is often more severe and frequent and occurs over longer periods of time than for non-disabled victims.
  - d) There is an increasing demand for temporary accommodation from victims who flee from abuse.
13. There were three homicides recorded where domestic abuse was a factor in Herefordshire between January 2019 and March 2022. Elder abuse is a growing area of concern. Data from the councils Adults Safeguarding Team indicates that there have been two Domestic Homicide Reviews involving an adult child killing their parent in Herefordshire since January 2021. The national picture around parental/elder abuse is very fragmented. According to Age UK:
- a) In 2020, it was estimated 180,000 women and 98,000 men aged 60 to 74 experienced DA (all types nationally).
  - b) 25% of domestic homicides involved victim aged 60+; People aged 60+ make up 18% of the population (Herefordshire's population make up 33% of people aged 60+).
  - c) Of all domestic homicide victims aged over 60 – 44% killed by adult child or grandchild
14. West Mercia Women's Aid are the main provider of domestic abuse support services in Herefordshire. During 2021/22 WMWA received 1,175 referrals. 2,294 calls made to the West Mercia Women's (WMWA) Aid helpdesk and 1,028 online referrals or emails received. Of the

total helpline contacts either via a call or online, 29% were first time contacts. During the same period WMWA had 922 service users; 811 adults and 111 Children and Young People (CYP)<sup>1</sup>.

15. In Herefordshire, 1,500 children and young people received a social care assessment in 2020-21, domestic abuse was observed in 59% of these assessments. Domestic abuse is one of the family safeguarding risks considered in the Trio of Vulnerabilities together with mental ill-health and substance misuse. It is estimated that around 2,400 children and young people in Herefordshire are at risk of domestic abuse.
16. Herefordshire currently has 19 units of safe accommodation; 10 units within the refuge and 9 dispersed units. The refuge is run by West Mercia Women's Aid (WMWA). The dispersed units are owned and managed by Connexus, with support provided by WMWA. Referrals for these units 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. The council does not fund these units of accommodation directly, but does fund a range of in and outreach support for victims of domestic abuse and their children. The number of units of safe accommodation will have increased to 25 by the end of 2023.
17. Below is a summary of the 2021/22 accommodation data from West Mercia Women's Aid who run refuge services in Herefordshire:
  - a) 141 referrals for the 19 units outlined above.
  - b) 79 households were accommodated throughout the year (56% of referrals).
  - c) Of the 141 referrals made, 33 were in county, 32 were within the West Midlands region and 76 were from outside of the region.

This data indicates that demand continues to outstrip the supply of safe accommodation with support.

18. This is further evidenced by data from the council's Housing Solutions Team which shows the continued demand for temporary accommodation including the use of B&B accommodation, even though this is not considered to be safe accommodation under the Domestic Abuse Act 2021. Please note that these figures do include some repeat presentations. This is expected as research indicates that it takes, on average, 7 attempts before a female victim will leave an abusive relationship for good.

<b>Year</b>	<b>DA victims</b>
2018/19	33
2019/20	16
2020/21	27
2021/22	28
2022/23	44
Total	148

<sup>1</sup> Children and Young People (CYP) can be up to the age of 20. Mostly CYP would go into adult services if they come into service after they are 18, although it depend on the services that they are receiving. , or if they're finishing the CYP service they started before they were 18.

19. The average annual cost of accommodating victims of domestic abuse in temporary accommodation including B&B has been calculated as £127,928. This is an estimate based on average costs for single, double and family rooms. This does not include any of the administration or support costs associated with this service, so the real cost of providing temporary accommodation for victims of domestic abuse and their families is likely to be much higher than this figure.
20. 41 households registered with Home Point in need of accommodation as a result of domestic abuse in 2021/22. This increased to 50 households in 2022/23.
21. Collectively this data indicates an ongoing demand for domestic abuse support services in Herefordshire.

## **Environmental Impact**

22. 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.
23. 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**

24. 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.

25. 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.

26. 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 the council 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. An

equalities impact assessment has been prepared as part of the commissioning process – attached in Appendix A.

## Resource implications

27. The main contract for domestic abuse support services is currently funded by the Public Health Grant (Public Health investment fund element); in principle it has been agreed that this arrangement can continue at the same level of investment - £259K per annum subject to the conditions of the Public Health grant remaining unchanged.
28. The DLUHC have allocated the council a non-ring fenced Section 31 grant of £377,156 for 2024/25. It is not yet clear if this funding will continue beyond the current funding settlement period.
29. There will be an underspend of £176K from the DLUHC grant from 2023/24 that can be invested into the contracts. This underspend will occur as contracts for the 2023/24 are being extended for between 4 and 6 months only to bring all of the domestic abuse contracts to an end on 31 March 2024.
30. The DLUHC have confirmed in writing that new burdens grant funding can be carried forward. The 2023/24 underspend is shown in the table below.. The total amount of public health grant used still equates to £1,295K over 5 years; no additional funding is being sought from this source.
31. Ideally the council would offer these opportunities as 5 year contracts with the option to extend subject to funding. , but as there is no guarantee about the continuation of the DLUHC 'new burdens' funding, contracts will have to be issued for 12months with the option to extend for up to 48 months. Contracts will be made as flexible as possible in order to enable them to expand or contract subject to funding.
32. Worcestershire County Council will provide £30k match funding for the Lived Experience Advisory Group (Lot 5) for the initial 12 month contract period. This is not demonstrated in the figures below which reflect Herefordshire Councils financial position only.
33. All of the proposed commissioning activity is grant funded; there are therefore no implications on the council's base budget.
34. The following tables profile the spend over 5 years, but years 2 – 5 are indicative and subject to funding being confirmed.

Revenue or Capital cost of project (indicate R or C)	2024/25	2025/26	2026/27	2027/28	2028/29	Total
	£000	£000	£000	£000	£000	£000
<i>Lot 1 (R) Community support for victims of domestic abuse including support in refuge and outreach.</i>	335	335	335	335	334	1,674
<i>Lot 2 (R) Support for children and young people</i>	99	98	98	98	98	491
<i>Lot 3 (R) Support in safe accommodation</i>	150	151	151	151	151	754
<i>Lot 4 (R) Support for men and boys</i>	59	59	58	58	58	292
<i>Lot 5 (R) Lived experience advisory group co-ordinator (additional funding will be supplied by Worcestershire County Council)</i>	22	21	21	21	21	106
Domestic Abuse Co-ordinator	26	13	0	0	0	39
<b>TOTAL</b>	<b>691</b>	<b>677</b>	<b>663</b>	<b>663</b>	<b>662</b>	<b>3,356</b>

Funding streams (indicate whether base budget / external / grant / capital borrowing)	2024/25	2025/26	2026/27	2027/28	2028/29	Total
<i>All grants are revenue only</i>	£000	£000	£000	£000	£000	£000
<i>Public Health Grant</i>	259	259	259	259	259	1,295
<i>DLUHC grant funding including carry forward from previous years</i>	432	418	404	404	403	2,061
<b>TOTAL</b>	<b>691</b>	<b>677</b>	<b>663</b>	<b>663</b>	<b>662</b>	<b>3,356</b>

Revenue budget implications	2020/21	2021/22	2022/23	2027/28	2028/29	Total
	£000	£000	£000	£000	£000	£000
<i>There are no revenue budget implications as all of this activity is funded via the public health grant or the DLUHC grant.</i>						
<b>TOTAL</b>						

## Legal implications

35. The Council has obligations pursuant to The Domestic Abuse Act 2021 which requires the council to convene a domestic abuse local partnership board, assess the need for, prepare and publish strategies and commission support to victims of domestic abuse and their children within safe accommodation and report back to government that the obligations have been met.
36. The council is required to procure services in accordance with the council's contract procedure rules.

## Risk management

37. 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
Funding – the DLUHC ‘new burdens’ funding for Domestic Abuse is discontinued.	The funding has been confirmed for 2024/25 and there will be an underspend from 2023/24. There is no confirmation of longer term funding so contracts will be issued for 12 months with the option to extend for up to 48 months. This approach ensures that the council is not committed to funding any contracts beyond the initial funded period.
Accommodation - demand for safe accommodation with support continues to outstrip supply	The council cannot fully mitigate against this risk. Data indicates that there is growing demand for accommodation as a result of domestic abuse. More funding will be invested in support in safe accommodation in line with the expectations of the Domestic Abuse Act 2021. The Sanctuary Scheme, which enables victims to stay in their own accommodation where it is deemed safe to do so, will also be expanded.
Limited interest from the Market	This tender opportunity will be competitively tendered in line with the council's contract procedure rules. It is hoped that by lotting the tender opportunities, more providers will be interested in working in Herefordshire and that new partnerships will be forged. Market engagement work will be undertaken in advance of this tender opportunity being issued in order to encourage a wider range of providers.
Needs / Government priorities will change	Contracts will be made as flexible as possible both in terms of timescale and scope enabling the council and service

	providers to respond to new demands and opportunities.
--	--

## Consultees

38. Data from the draft 2023 needs assessment has been used to inform the proposals in this paper. Discussions have been held with key stakeholders including current providers to gain their views on what has worked well and what has not during the previous contract period. Additionally, a formal consultation was carried out by WMWA with people with lived experience of domestic abuse and accessing services in Herefordshire in 2022. This was done via surveys, interviews and focus groups. The key findings from this consultation process were:

- a) Domestic abuse is found within every demographic group in Herefordshire.
- b) Within varied cultural, social and economic contexts, the domestic abuse experience is remarkably similar.
- c) Professionals and survivors alike had similar views on gaps and improvements for services
- d) Amongst survivors, many voiced a desire to become actively involved in fighting domestic abuse and supporting other survivors.
- e) Across the board participants agreed that public education and awareness must be a priority
- f) Likewise, participants agreed that non-DA professionals are not sufficiently equipped to support survivors.
- g) Much more work must be done to engage and include survivors from marginalised communities where domestic abuse is often not spoken about as a result of normative values.
- h) Funding and/or alternative services are needed to alleviate the pressures on support workers as well as reduce the wait time for group work, 1-1 DA support and mental health support.
- i) In order to meet the new statutory requirements, children must have better access to support as survivors in their own right.

These key findings and the wider feedback from the consultation have been used to inform the proposed commissioning process.

39. A political group consultation will be undertaken on 5<sup>th</sup> July 2023. The following matters were discussed:

- a) There is not enough data locally, regionally or nationally for the council to understand the full impact of elder abuse, but it is a growing concern for colleagues in adult social care which is further highlighted through the domestic homicide reviews that have taken place in Herefordshire. The Domestic Abuse Local Partnership Board are looking at this topic as an area of specific interest.
- b) The use of lots in this tender process is aimed at creating more competition within the market, leading to the development of new partnerships and collaborations.
- c) Concern about the impact of short term funding and how to manage the risks around this. This is highlighted as a risk in this decision paper and mitigated against by developing as much flexibility in the contract as possible.

## Appendices

Appendix 1 – Equalities Impact Assessment.

## Background papers

[Herefordshire Council Domestic Abuse Strategy 2021 to 2024](#)

## Report Reviewers Used for appraising this report:

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

Governance	John Coleman	Date 14/06/2023
Finance	Wendy Pickering	Date 21/06/2023
Legal	Emma-Jane Brewerton	Date 22/06/2023
Communications	Luenne featherstone	Date 14/06/2023
Equality Duty	Harriet Yellin	Date 14/06/2023
Procurement	Lee Robertson	Date 14/06/2023
Risk	Jo Needs	Date 14/06/2023

**Approved by** Hilary Hall **Date** 07/07/2023

## Please include a glossary of terms, abbreviations and acronyms used in this report.

B&B	Bed and breakfast
BAME	Black, Asian and minority ethnic
CSEW	Crime Survey for England and Wales
CYP	Children and young people
DA	Domestic abuse
DLUHC	Department for Levelling Up, Housing and Communities
LGBTQ+	Lesbian, gay, bi, transgender, queer, questioning and ace
WMWA	West Mercia Women's Aid