

**Report of Chief Officer, Strategy and Commissioning**

**Report to Director of Environment & Housing**

**Date: 1<sup>st</sup> October 2015**

**Subject: To request approval for a contract extension and variation under Contracts Procedure Rules (CPRs) 21.1 & 21.7 and to waive CPRs 9.1 and 9.2 to enter into a new contract for 4 months on the expiration of the Integrated Outreach, Resettlement and Independent Domestic Violence Advisory Service**

Are specific electoral wards affected? If relevant, name(s) of ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

- The Integrated Outreach, Resettlement and Independent Domestic Violence Advisory Service is managed by a consortium led by Leeds Women's Aid (LWA). The other 2 partners are Behind Closed Doors (BCD) and HALT. The contract forms part of the programme of Housing Related Support services commissioned by Strategy and Commissioning on behalf of Environment and Housing.
- The contract, which is for three years with an option of up to two 12 month extensions, has been in place with LWA since 1<sup>st</sup> December 2011. The contract was put in place after a competitive tender. The initial three year period expired on 30<sup>th</sup> November 2014 and the first 12 month extension was approved. The current extended period will expire on 30<sup>th</sup> November 2015 and approval is sought for the 2<sup>nd</sup> (final) 12 month extension.
- When the first extension was approved an additional £51,325 (10%) was also agreed due to the increasing demand on the service and the contract was varied in accordance with CPRs to bring the contract value to £564,574 for the period of that extension. Approval is sought for a variation to continue this additional funding for a further 6 months (£25,663).
- In February 2015 a second variation was approved in order to expand the remit of the service to support the partnership arrangements being developed through the Leeds Front Door Safeguarding Hub (FDSH). The annual cost of this provision is £61,000. £35,000 DCLG funding was allocated by Children's Services as a contribution to the funding for this work and the remainder was sourced from external funding. Delays in recruitment means that £15,000

of the original £35,000 can be carried forward into the next contract period. Approval is sought for a variation to continue the additional funding required to support the IDVA presence at the FDSH for a further 6 months (£22,500).

- There is also a need for a new 4 month contract, to commence on the expiry of the existing service, under the same contract terms and conditions as the current contract from 1<sup>st</sup> December 2016 to 31<sup>st</sup> March 2017. This is needed in order to allow the current review into domestic violence and abuse services to be undertaken as comprehensively as possible for such a high priority service.
- There are no significant concerns in relation to performance, quality or cost of the service which continues to provide a strategically important, high quality service to support victims of domestic violence or abuse.

## **Recommendations**

The Director of Environment and Housing is recommended to:-

- (i) approve the 2<sup>nd</sup> (final) 12 month extension to the existing contract with LWA for the Integrated Outreach, Resettlement and Independent Domestic Violence Advisory Service covering the period 1<sup>st</sup> December 2015 to 30<sup>th</sup> November 2016 for a contract value of £513,249.
- (ii) approve a variation to the contract for a 6 month continuation of the 10% additional funding (£25,663)
- (iii) approve a variation to the contract for a 6 month continuation of the additional funding to maintain the Independent Domestic Violence Advisory (IDVA) presence at the Front Door Safeguarding Hub (£22,500)
- (iv) approve the waiver of CPRs 9.1 and 9.2 and agree to enter into an new 4 month contract with LWA without seeking competition, for the continued provision of Integrated Outreach, Resettlement and Independent Domestic Violence Advisory Service to cover the period 1<sup>st</sup> December 2016 – 31<sup>st</sup> March 2017 in the sum of £171,083.

## **1 Purpose of this report**

1.1 This report seeks approval to

- enter into the 2<sup>nd</sup> 12 month contract extension period for the Integrated Outreach, Resettlement and IDVA Service provided by LWA, BCD and HALT (£513,249)
- vary the contract to continue the additional 10% funding for a further 6 months (£25,663)
- vary the contract to continue the additional funding required to support the IDVA presence at the Front Door Safeguarding Hub for a further 6 months (£22,500)
- waive CPRs 9.1 and 9.2 to allow a new 4 month contract

## **2 Background information**

2.1 The contract, which is for three years with an option of up to two 12 month extensions, has been in place with LWA since 1<sup>st</sup> December 2011 at a value of £513,249 per annum. The initial three year period expired on 30<sup>th</sup> November 2014, the first 12 month extension will expire on 30<sup>th</sup> November 2015 and approval is being sought to extend the contract for the second available extension period from 1<sup>st</sup> December 2015.

- 2.2 This contract was originally put in place following a competitive tender to provide services to support people who have been victims of domestic violence or abuse.
- 2.3 The service supports people in a variety of ways but there are 4 main elements to the service:
- IDVA element delivered by HALT. The IDVA provides independent support and advocacy including legal advice on a range of civil remedies available to clients (women and men) including non-molestation, residence and occupation orders. It supports clients through the criminal justice system to increase numbers of successful prosecutions, where this is appropriate. This includes providing advocacy in Police and Court settings. This IDVA service focuses on high risk cases subject to the Leeds Multi Agency Risk Assessment Conference (MARAC) process and provides proactive short to medium term crisis intervention through individual safety planning, personal and practical support.
  - Resettlement support is provided by LWA, to women leaving refuge and emergency accommodation, or clients who require a planned move to ensure their safety.
  - Outreach support is provided by BCD, to women, men and children affected by domestic violence, enabling them to keep themselves safe, rebuild their lives and make informed choices about their futures, improve their quality of life and leave the abuse behind. The service has separate female and male outreach workers.
  - Domestic Violence Telephone Helpline: LWA also operates a 24 hour telephone helpline in conjunction with the Stonham Refuge service. This helpline offers advice and information to women and men experiencing and/or recovering from domestic violence who require support; anyone concerned about family members or friends who want to find out more information about domestic violence; information on the availability of services in Leeds and professionals who want information to support their clients. LWA operates the telephone helpline during office hours (Monday to Friday 9am to 5pm).
- 2.4 The overall findings of the last validation visit that took place (October 2013) were positive. Workers were found to be passionate about the work they do and demonstrated in-depth knowledge and expertise in their area of work. The majority of clients who took part in the consultation were very satisfied with the service they had received. Quarterly monitoring reports are submitted and followed up by quarterly contract management meetings and there are no concerns about the quality of the service provided.
- 2.5 Over the lifetime of the contract there has been a steady increase in the number of people being supported. The number of live cases has been above the original contracted amount of 300 since April 2014. At the end of June 2015 the live cases numbered 326 (plus an additional 38 at various pending stages). Levels of client satisfaction remain high – 190 exit questionnaires were completed in Q1 of 2015/16 in which 97% of respondents said that they felt safer as a result of the support they had received and 73% were very satisfied with the service.
- 2.6 Even with the additional 10% funding workers in each element of the service continue to carry a caseload higher than they would expect to. Combined with the facts that the number of complex cases is increasing and that there is an increasing trend of domestic violence and abuse incidents being reported across the city, this situation is not considered sustainable and is being considered as part of the current review into domestic violence and abuse services.

### **3 Main issues**

#### **Reason for contracts procedure rules waiver**

3.1 A new 4 month contract under the existing terms and conditions is needed in order to allow the current review into domestic violence and abuse services to be undertaken as comprehensively as possible for such a high priority service. While the original timescale was thought to be achievable it was also very challenging and additional time is now considered necessary to ensure that the review is as comprehensive as possible and that there is sufficient time to feedback findings to key stakeholders and service providers.

3.2 Specific reasons for a new contract being needed include:

- to allow additional consultation/research into issues that are being raised as part of the Domestic Homicide Reviews that are in progress
- the initial data which has been collected has raised further questions which need addressing in order to fully understand the story behind the figures
- further work has been suggested by members of the project team to ensure there has been enough consideration of the provision to and needs of Black Minority Ethnic service users

3.3 **Further benefits of the additional 4 months are that:**

- it will allow the findings from the research study being undertaken by Leeds University to inform the review
- the Front Door Safeguarding Hub will have been running for a longer time period so there will be more data and learning available to support a new model
- the timings will then align with both the Integrated Offender Management and the Housing Related Support reviews which will mean that interdependencies can be more effectively managed. For example, if dispersed properties form part of domestic violence refuge provision in a new model, these can be considered alongside the properties needed for the wider housing related support programme, helping ensure that the housing stock is used effectively, with the size and location of the properties available being allocated to the most appropriate support programme

#### **Consequences if the proposed action is not approved**

3.4 Without a new contract being put in place it is possible that the review will not be as comprehensive as possible, a consequence of which would be that a future model is designed on incomplete information.

3.5 If the additional 10% funding is not continued, this service will need to reduce the number of clients if works with leaving vulnerable people without support.

3.6 LDVS is a key partner at the Front Door Safeguarding Hub and if the funding for the IDVA presence is not continued there will be a negative impact on the effectiveness of that partnership arrangement.

3.7 If the new 4 month contract is not approved the mobilisation period within the current timescale would need to be significantly reduced. A 6 month mobilisation period is considered necessary for this type of service in order to ensure continuity of support for the vulnerable clients. Providers have been very clear that they would welcome a 6 month mobilisation period through the consultation process.

## **Advertising**

- 3.8 It is not proposed to advertise this opportunity for the reasons set out at paragraphs 3.1 to 3.7 above.

## **4 Corporate considerations**

### **4.1 Consultation and engagement**

- 4.1.1 The sector review process which preceded the competitive procurement in 2010 included consultation with a range of key stakeholders relevant to domestic violence.
- 4.1.2 In 2014 the Safer Stronger Scrutiny Board undertook a wide-ranging and extensive inquiry into domestic violence and abuse. The inquiry involved taking evidence from a wide range of partners, providers of services for both victims and perpetrators, representatives of the third sector and victims themselves. Recommendations resulting from the inquiry are informing the current review.
- 4.1.3 Providers of the service are engaged in the wider work that is taking place across the city. They are represented at the Leeds Domestic Violence Strategic Group, were on the Steering Group for a conference which took place in March 2015 and have contributed to the setting up of a domestic violence and abuse website. They have also been involved in the establishment of the Front Door Safeguarding Hub which delivers responses to medium and high risk cases.

### **4.2 Equality and diversity / cohesion and integration**

- 4.2.1 An Equality, Diversity, Cohesion and Integration screening has been completed and included as background information to this report. The screening indicates that a full assessment is not required because extending the contract will not involve any changes which would impact negatively on service users, staff or stakeholders.
- 4.2.2 A full Equality, Diversity, Cohesion and Integration assessment will be completed in relation to the service review and any subsequent procurement in order to consider the impact of any changes on clients, staff and stakeholders

### **4.3 Council policies and city priorities**

- 4.3.1 Domestic violence and abuse is linked to the Best Council objective of 'Supporting communities and tackling poverty'. Given the scale of the issue and the significant impact for individuals, children and families, communities and organisations, domestic violence and abuse has recently been identified as one of the priority cross departmental projects.
- 4.3.2 The service is strategically relevant, and contributes to a number of strategies and priorities. This includes the Health & Wellbeing strand of the City Priority Plan by supporting clients to live safely. The service also contributes to the Safer & Stronger Communities strand of the City Priority Plan by reducing the impact of crime across Leeds.

- 4.3.3 The service supports the delivery of the Vision for Leeds 2011 to 2030's aim to make Leeds the Best City for health and wellbeing where "people are supported by high quality services to live full, active and independent lives", and the Best Council Plan 2013/17 outcome of "improve the quality of life for our residents, particularly for those who are vulnerable or in poverty".

#### **4.4 Resources and value for money**

- 4.4.1 Overall funding requested:

**Total for period 1st December 2015 - 30th November 2016: £561,412**

12 month contract value: £513,249

10% additional funding for 6 months: £25,663

Additional IDVA funding for 6 months: £22,500

**Total for period 1st December 2016 – 31st March 2017: £171,083**

Additional 4 month contract: £171,083

**Overall value for the new contract extension, variation and new contract total: £732,459**

(of which £171,083 relates to the additional 4 months for which CPRs 9.1 and 9.2 are being requested to be waived)

- 4.4.2 There is an annual budget provision within Environment & Housing for the original contract value of £513,249.
- 4.4.3 The service was subjected to a competitive tender process when it was commissioned and was deemed to represent value for money. The service continues to represent value for money, consistently working with higher numbers of clients than it is commissioned to work with.
- 4.4.4 The increase in funding has been matched and will continue to be matched by an increase in the number of live cases the service is commissioned to work with.

#### **4.5 Legal implications, access to information and call in**

- 4.5.1 This is a Key Decision which is subject to call-in as the maximum combined cost of services within this decision is more than £250k. A notice was published on the List of Forthcoming Key Decisions on the 1st September 2015.
- 4.5.2 This report does not contain any exempt or confidential information under the Access to Information Rules.
- 4.5.3 Awarding the new 4 month contract direct to LWA in this way could leave the Council open to a potential claim from other providers, to whom this contract could be of interest, that it has not been wholly transparent. In terms of transparency it should be noted that case law suggests that the Council should always consider whether contracts of this value should be subject to a degree of European wide advertising. It is up to the Council to decide what degree of advertising would be appropriate. In particular, consideration should be given to the subject-matter of the contract, its estimated value, the specifics of the sector concerned (size and structure of the market, commercial practices, etc) and the geographical location of the place of performance.

- 4.5.4 The Director of Environment and Housing has considered this and, due to the nature of the services being delivered and the requirement to be physically located in Leeds, is of the view that the scope and nature of the services is such that it would not be of interest to contractors in other EU member states.
- 4.5.5 There is a risk of an ombudsman investigation arising from a complaint that the Council has not followed reasonable procedures, resulting in a loss of opportunity. Obviously, the complainant would have to establish maladministration. It is not considered that such an investigation would necessarily result in a finding of maladministration however such investigations are by their nature more subjective than legal proceedings.
- 4.5.6 Although there is no overriding legal obstacle preventing the waiver of CPR 9.1 and 9.2, the above comments should be noted. In making their final decision, the Director of Environment and Housing should be satisfied that the course of action chosen represents Best Value for the Council.

## **4.6 Risk management**

- 4.6.1 The 16 month period (12 month extension plus a new 4 month contract) is required to enable continuation of the service provided by LWA, BCD and HALT through the Integrated Outreach, Resettlement and IDVA Service while a review and procurement of domestic violence and abuse services takes place. It provides a key part of the services available to support victims of domestic violence and abuse. If this recommendation is not agreed vulnerable people will be left without the support and interventions which they rely on.
- 4.6.2 The increase in contract value is deemed necessary to ensure that the service is able to support the increasing number of people accessing the service.
- 4.6.3 The additional funding for IDVA support at the Front Door Safeguarding Hub is deemed necessary for the success of that piece of work, which is a key component of the Breakthrough Project.
- 4.6.4 There is a very small risk of challenge from other providers if the service is not exposed to competition at this time. However the original contract was awarded after a competitive tender and this extension is being requested to allow continuity of service delivery whilst a service review and subsequent procurement is undertaken. This is likely to generate competitive tendering opportunities.
- 4.6.5 The contract will continue to be performance managed by officers in Strategy & Commissioning. This includes regular reviewing of performance information and quarterly contract management meetings with the provider, at which any delivery issues are discussed. The service is delivered by a high quality, experienced staff team who are committed to providing the best service possible for a vulnerable client group.
- 4.6.6 A timetable for the completion of the review and subsequent procurement has been set up (Appendix A) and is in line with the timetable agreed for the Housing Related Support review. The Project Team, which now includes a representative from the PPPU, reports progress to the Domestic Violence Programme Board on a 6 weekly basis. A risk register has been established and any risks which may impact on the timely completion of the review and procurement will be reported to the Board.

## **5 Conclusions**

- 5.1 The Integrated Outreach, Resettlement and IDVA Service provided by LWA, BCD and HALT is a good quality and well performing service that supports people who have experienced domestic violence or abuse.
- 5.2 The current contract period expires on 30<sup>th</sup> November 2015 and this report seeks approval to extend the contract for the second 12 month extension from 1<sup>st</sup> December 2015.
- 5.3 A continued increase in funding is considered necessary to address the continued high demand for the service and the significant impact this has on the service's capacity.
- 5.4 IDVAs are essential partners at the Front Door Safeguarding Hub and the additional funding to ensure their presence at the hub is necessary for that service to operate effectively.
- 5.5 A new 4 month contract would allow additional work to be undertaken on the current review of domestic violence and abuse and help ensure that the service procured at the end of the review meets need.

## **6 Recommendations**

The Director of Environment and Housing is recommended to:-

- (v) approve the 2<sup>nd</sup> (final) 12 month extension to the existing contract with LWA for the Integrated Outreach, Resettlement and Independent Domestic Violence Advisory Service covering the period 1<sup>st</sup> December 2015 to 30<sup>th</sup> November 2016 for a contract value of £513,249.
- (vi) approve a variation to the contract for a 6 month continuation of the 10% additional funding (£25,663)
- (vii) approve a variation to the contract for a 6 month continuation of the additional funding to maintain the Independent Domestic Violence Advisory (IDVA) presence at the Front Door Safeguarding Hub (£22,500)
- (viii) approve the waiver of CPRs 9.1 and 9.2 and agree to enter into an new 4 month contract with LWA without seeking competition, for the continued provision of Integrated Outreach, Resettlement and Independent Domestic Violence Advisory Service to cover the period 1<sup>st</sup> December 2016 – 31<sup>st</sup> March 2017 in the sum of £171,083.

## **7 Background documents**

- 7.1 Equality, Diversity, Cohesion and Integration Screening document