

Report of: Head of Commissioning, Adults and Health

Report to: Director of Resources and Housing

Date: 8th March 2018

Subject: Request approval to waive Contracts Procedure Rules 8.1 and 8.2, using the authority set out in CPR 1.3, to enter into a new contract for the delivery of the New Futures Project with Basis Yorkshire for a period of 12 months, with an option to extend for up to a further 12 months.

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 type="checkbox"/> Yes	<input checked="" 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

1. The Council currently commissions Basis Yorkshire to deliver the New Futures Project to provide visiting and/or floating support for women involved in sex work who wish to exit from sex working and maintain their independence.
2. As the current contract period is coming to an end on 31 March 2018, a new contract will be required with the existing provider to ensure continuity of service pending the outcome of any review. Therefore, a new contract for one year from 1 April 2018 to 31 March 2019, is now required with an option to extend for up to a further 12 months.
3. The maximum contract value for this service will be for £16,717 per annum.

Recommendations

It is recommended that the Director of Resources and Housing approves the request to:

Waive Contract Procedure Rules 8.1 and 8.2 using the authority set out in CPR 1.3, to enter into a new contract for the delivery of the New Futures Project with Basis Yorkshire for a period of 12 months, with an option to extend for a further 12 months

from 1 April 2018 to 31 March 2019. The maximum value of the contract will not exceed £16,717 per annum.

1. Purpose of this Report

- 1.1 The purpose of this report is to seek approval from the Director of Resources and Housing to put in place a new contract for a period of 12 months (plus up to an additional 12 months, if required), commencing 1 April 2018 with Basis Yorkshire. This will enable continuity of support for women who are sex working but are looking to exit from sex working by offering long-term support and alternatives to sex work, pending the outcome of any commissioning review and re-procurement process.

2. Background Information

- 2.1 Basis Yorkshire are a Leeds based registered charity who currently provide an outreach harm reduction and support service to women engaged in sex work. The service focuses on providing information and support to enable women to make positive choices, particularly around keeping themselves safe. The New Futures service provides outreach support and targets women directly where they are working, whether out on the street, working from home and also in brothels.
- 2.2 Through 20 years of experience of working with this client group, Basis Yorkshire have identified a need to provide a specialist intervention service to assist women to exit from sex working.
- 2.3 The aim of the service is to provide intensive practical and emotional support for women who want to make positive life changes, so that they feel able to achieve a new future. This will include supporting women to initially take small steps towards exiting from sex working, such as getting involved in structured activities during the days, enrolling on and attending a college course, receiving training in interview techniques and building up a CV. The service will also offer the necessary support to assist women to make and sustain huge life changes like exiting from sex working completely, abstaining from drugs and/or alcohol, securing and maintaining a permanent home, and re-connecting with their families.
- 2.4 The New Futures Service contributes to the ambition of the Leeds Prostitution Strategy which aims to reduce harm and increase public confidence by adopting approaches that consider risks, threats and harm to all. At the centre of this strategy is the desire to reduce the impact of sex working on individuals and communities, prevent future victimisation and lessen the harms to sex workers and prevent future offending behaviour.
- 2.5 The project is delivered through a combination of funding from Resources and Housing, and also two charities (Lloyds Bank Foundation and The Henry Smith Charity).
- 2.6 A short term contract was put in place for this service for 2017/18, subject to a joint strategic review by Strategy & Commissioning and Safer Leeds during 2017. The delivery arrangements and future role of the service needed to be confirmed in the context of the development of the new Prostitution Strategic Plan (2017-2020).

2.7 Although the new Prostitution Strategic Plan has been drafted, more time is now required to understand the support needs of all sex workers across the city, particularly in relation to the needs of the Managed Approach. This work will be undertaken with relevant strategic partners such as the Police, Public Health, Housing Leeds and third sector organisations.

3.0 Main Issues

3.1 Recognising that no single agency can address the complex issues around sex working in isolation, members of the Prostitution Strategic Group have made a commitment to be pragmatic, proportionate and evidence based in developing policies and practice; seeking to address the harms associated with activities related to sex working.

3.2 The resulting Prostitution Strategic Plan (2017-2020) seeks to take a balanced view, looking at the needs of communities, residents and business; safeguarding the vulnerable and taking enforcement action against those offenders who cause the most harm and are antisocial in their behaviour. The Plan builds on the positive partnership work to date, primarily from a focus on street prostitution, including work around the Managed Approach, and takes into account national guidance and good practice.

3.3 The key ambitions of the Prostitution Strategic Plan (2017-2020) are as follows:

Through innovative partnership practice...reduce the impact of prostitution on individuals, communities and local businesses, prevent future victimisation, lessen the harms to sex workers; increasing their wellbeing; and prevent future offending behaviour

3.4 The key outcomes of the Plan are as follows:

- People in Leeds are safe and feel safe
- Businesses and communities feel engaged and informed
- Sex-workers are listened to, supported and have access to appropriate and equitable services.

3.5 The Plan also sets out priorities to:

- Take action at a local level
- Support those at risk, including victims and witnesses and protect those with complex needs
- Engage and communicate with sex-workers
- Address offending behaviours

3.6 The New Futures Service plays a key role in achieving the above ambitions, outcomes and priorities by giving intensive support to sex workers. As stated above, the aim of the service is to provide intensive practical and emotional support for women who want to make positive life changes, so that they feel able to achieve a new future. This will include supporting women to initially take small steps towards exiting from sex working, such as getting involved in structured activities during the days, enrolling on and attending a college course, receiving training in

interview techniques and building up a CV. The service will also offer the necessary support to assist women to make and sustain huge life changes like exiting from sex working completely, abstaining from drugs and/or alcohol, securing and maintaining a permanent home, and re-connecting with their families.

- 3.7 Interim contract arrangements are needed whilst a review and re-commissioning of sex workers support services is completed. Interim arrangements with Basis Yorkshire are therefore required to ensure continuity of support. It is anticipated that a review will take up to 12 months and if a procurement exercise is required that could take a further twelve months.

4. Corporate Considerations

4.1 Consultation and Engagement

- 4.1.2 The Executive Member for Communities, has been consulted with regard to this issue. Formal contract documentation will be updated and published by the Procurement Unit should this report be approved.
- 4.1.3 The incumbent provider has been consulted about the proposal to enter into an interim contract.

4.2 Equality and Diversity/Cohesion and Integration

- 4.2.1 An Equality, Diversity, Cohesion and Integration screening tool has been completed and is included as background information to this report. This indicates that a full assessment is not required as putting in place interim contracts will not involve any significant changes which would impact negatively on service users, staff or other stakeholders.
- 4.2.2 A full Equality, Diversity, Cohesion and Integration assessment will be required to be completed based on the options and procurement proposals for any new service.

4.3 Council Policies and City Priorities

- 4.3.1 The New Futures Service directly supports the Council's renewed ambition for Leeds to be a compassionate and caring city and also supports the '**Vision for Leeds 2011-2030**' and the delivery of wider outcomes relating to community safety, health and well-being, social inclusion and employment and training.
- 4.3.2 The New Futures Service contributes directly to a number of strategies and plans including the **Safer and Stronger Communities strand of the Best Council Plan (2015-2020)** by helping reduce crime levels and the impact of crime through work with individuals to address their substance misuse and/or offending behaviour.
- 4.3.3 The service will also make a contribution to the **Health and Wellbeing Strategy (2016-2021)** in terms of helping to ensure that 'people will live in healthy, safe and sustainable communities'.

- 4.3.4 The Service continues to play a key role in achieving the key outcomes of the **Prostitution Strategic Plan (2017-20)**, detail of which is outlined in more detail in section 3.
- 4.3.5 This service also contributes to priorities within the **Leeds Drug and Alcohol Strategy 2016-2018** by delivering health promotion and helping to increase the number of successful completions from drug and alcohol treatment programmes to support recovery.

4.4 Resources and Value for Money

- 4.4.1 Funding provision for the delivery of the New Futures Service is available from the Resources and Housing budget.
- 4.4.2 The interim contract will enable continuity of support to sex workers who wish to exit from prostitution and maintain their independence.
- 4.4.3 The current New Futures Service is contract managed by staff within Adults and Health Commissioning. Performance monitoring processes are also being updated for 2018/19 to ensure value for money and quality of delivery for the duration of the interim contract arrangements.

4.5 Legal Implications, Access to Information, and Call In

- 4.5.1 This is a Significant Operational Decision which is not subject to call-in and there are no grounds for treating the contents of this report as confidential under the Council's Access to Information Rules.
- 4.5.2 Awarding the new contract direct to Basis Yorkshire 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 could be of interest to contractors on other EU member states and, if it could, the opportunity 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.
- 4.5.3 The Director of Resources and Housing has considered this and, due to the nature of the services being delivered, the very low contract values 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 providers in other EU member states.
- 4.5.4 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.

- 4.5.3 Although there is no over-riding legal obstacle to preventing the waiver of CPR 8.1 and 8.2 by putting in place an interim contract, the contents of this report should be noted. In making the final decision, the Director of Resources and Housing should be satisfied that the course of action chosen represents best value for money and the most effective use of available resources.

4.6 Risk Management

- 4.6.1 Putting in place a new contract with Basis Yorkshire will allow continuity of provision whilst the outcomes of any pending review are implemented. The service will continue to be performance managed by officers in Adults and Health Commissioning.
- 4.6.2 Without putting in place a new contract, the existing arrangements with Basis Yorkshire could cease at the end of March 2018, which could cause reputational risk to the Council, its partners and providers making it more difficult to achieve the outcomes of the Prostitution Strategic Plan, a key outcome of which is to ensure that sex-workers are listened to, supported and have access to appropriate and equitable services.

5. Conclusions

- 5.1.1 The New Futures Service provides a key role in providing support to sex workers who wish to exit from prostitution and maintain their independence.
- 5.1.2 It is imperative that a new contract is put in place with Basis Yorkshire for 12 months (ending 31 March 2019), with the option to extend for up to a further 12 months, as this will enable any review and re-commissioning process to be progressed within achievable timescales.

6. Recommendations

It is recommended that the Director of Resources and Housing approves the request to:

Waive Contract Procedure Rules 8.1 and 8.2 using the authority set out in CPR 1.3, to enter into a new contract for the delivery of the New Futures Project with Basis Yorkshire for a period of 12 months, with an option to extend for a further 12 months from 1 April 2018 to 31 March 2019. The maximum value of the contract will not exceed £16,717 per annum.

7. Background Documents¹

- 7.1 None.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.