

Report of Head of Commissioning, Adults and Health

Report to Director of Resources and Housing

Date: 3 October 2018

Subject: 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 with Basis Yorkshire for a period of up to 14 and a half months

Are specific electoral wards affected? If yes, 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. A number of women within the city who are street sex working have highly complex needs and are in need of intensive support to help them, for example, with support around drug and/or alcohol addiction; housing; and health needs.
2. An Intensive Support Service was put in place from 15 January 2018 to 14 January 2019, provided by Basis Yorkshire, to work closely with the women to ensure that they pose less of a threat to themselves but also to the wider community within which they reside and work. The service provides the coordination function around a caseload of women with the aim of supporting women to stabilise their lives and ultimately exit street sex working.
3. This report recommends that another contract should be put in place for up to a further 14 and a half months to Basis Yorkshire to continue to fund some additional targeted and intensive work with a small number of women with complex needs, from 15 January 2019 until 30 September 2019, with the option to extend the contract for up to another 6 months, up until 31 March 2020. The work will continue to target women who are identified by Safer Leeds as the most chaotic and having a negative impact on communities. This will involve the provision of intensive support for women who have particularly complex needs and need support to help them stabilise their lives and receive the correct support and interventions. Work with this client group requires focussed, co-ordinated and directed personal intervention plans, supporting them to

take steps towards addressing these complex needs and to ensure there are options available so they can make more informed choices.

Recommendations

The Director of Resources and Housing is recommended to:-

1. 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 up to 14 and a half months of up to £56,054 with Basis Yorkshire, for the provision of targeted, intensive support for women with complex needs. The contract will run from 15 January 2019 to 30 September 2019, for £32,846 with the option to extend the contract for a further 6 months up until 31 March 2020, for £23,208.
2. Agree to continue to receive quarterly performance reports, outlining key activity undertaken and outcomes achieved, including case studies to illustrate progress.

1. Purpose of this report

- 1.1 A number of women within the city have highly complex needs and therefore a recommendation was made by West Yorkshire Police, Leeds City Council and a number of other key partners working with complex clients in the city, in the autumn of 2017, that a service be commissioned to provide intensive support to a small number of women who lead chaotic lives and have complex needs.
- 1.2 It was agreed in December 2017, that the Intensive Support Service would be provided by Basis Yorkshire, an organisation which works with women who are involved in sex working, to work closely with the women to ensure that they pose less of a threat to themselves but also to the wider community within which they reside and work.
- 1.3 The purpose of this report is therefore to set out proposals for how this resource could be extended and to seek authority from the Director of Resources and Housing to put a further contract in place with Basis Yorkshire, from 15 January 2019 to 30 September 2019, with the option to extend the contract for up to 6 months, until 31 March 2020. A report was agreed in December 2017 to award a contract to Basis Yorkshire. A review of how we support sex workers in the city is currently underway, and commenced in January 2018, led by Adults and Health Commissioning, including partners from the CCG. Once the review has been completed later this year, the intention is to go out to the market place in April 2019 to secure a new service to provide support for women who are sex working. A new contract will be in place by April 2020 at the very latest. This will ensure a more focussed service across the city, which will avoid duplication. However, until any new service is in place, there is a need to continue the service to ensure that women continue to be supported.

2. Background information

- 2.1 A number of women within the city have highly complex needs and therefore a recommendation was made in autumn 2017 by West Yorkshire Police, Leeds city Council and a number of other key stakeholders working with complex clients in the city, that a service be commissioned to provide intensive support to a small number of women who lead chaotic lives and have complex needs.
- 2.2 The extended work proposed continues to support the Council's 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, and social inclusion.

3. Main issues

- 3.1 It is proposed that a further contract for an Intensive Support Service would allow work to continue with the women to ensure that they pose less of a threat to themselves but also to the wider community within which they reside and work.
- 3.2 It is recommended that the service should continue to be provided by Basis Yorkshire. The Council already has two contracts with Basis Yorkshire around providing support for women who are indoor sex workers and also around sexual health. As the agency concerned is already delivering the current service and directly related services and have the necessary infrastructure in place, they are considered uniquely placed and suitably experienced to continue to do this work and have the capacity to continue to take on this work. It should be acknowledged that we have already waived CPR's to put in place the current contract without going through any competitive process but there is a clear need to continue the work. The current review is recommending that we go out to tender in April 2019, with a new service in place by April 2020 at the very latest. Therefore the new contract would continue to provide the service up until then. The rationale for the decision will enable the review of how the service support sex workers in the city that is currently underway, led by Adults and Health Commissioning, including partners from the CCG.
- 3.3 The funding for the contract will continue to be provided by Resources and Housing. Initially it was envisaged that the work would only be for one year, but it is now felt that the work needs to continue, as outlined above.
- 3.4 The service will continue to provide support to ensure individuals access the support required around housing, health, drug and alcohol addiction and any other additional support needed.
- 3.5 The service will continue to work closely with the individuals to create conditions for change; provide support and navigation and proactive engagement; motivate and empower; and give advice and provide influence.
- 3.6 The service will also continue to work alongside other Basis Yorkshire staff and support outreach sessions.
- 3.7 A list of individuals who will form the caseload for the worker will continue to be developed under existing information sharing protocols. The list will be updated on a regular basis and will continue to form the basis of quarterly reports to the Commissioning Team in Adults and Health, who will contract manage this work. The service will provide additional offers of support to clients and more frequent contact. It is known that success and engagement comes from having frequent contact and building up trust. The worker will continue to secure priority access to key services including Forward Leeds for clients so that immediate / quick access to services is secured. The service will continue to work closely with West Yorkshire Police, Safer Leeds, Forward Leeds, Leeds Housing Options, WYFI and other relevant services.
- 3.8 The service will continue to work alongside other staff from Basis and other agencies such as Joanna project, DISC, CGL and Forward Leeds to ensure that they do not duplicate other activities and that where there is a lead professional who is already engaging with a woman that this relationship is not disrupted. The service will

continue to be flexible and provide an extra resource for one to one support and also for coordinating contact between women and other agencies.

- 3.9 The contract will continue to add value to and work within pathways to current services. Discussion will take place at the monthly meetings of the Multi Agency Review Board (MARB) which is considered to be an efficient way of coordinating partnership working.
- 3.10 Key outcomes anticipated from this additional service will include individuals moving into supported or more permanent accommodation; engagement with drug and alcohol treatment and health services and improved health and wellbeing.
- 3.11 It is recommended that a new interim contract is put in place with Basis Yorkshire for the period from 15 January 2019 to 30 September 2019, with the option to extend the contract for a further 6 months up until 31 March 2020, if required, for up to £56,044.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.2 The Executive Member for Communities has been consulted regarding the key proposals outlined in this report.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 An additional worker to support this extremely vulnerable client group has meant that extra help and support has been provided. The existing worker will continue to work closely with service users to engage with the Forward Leeds drug and alcohol treatment service, housing related support services and other relevant services.
- 4.2.2 This client group is very often vulnerable and at risk of abuse or may present disruption and concern to others in the community. Additional support has already helped to reduce risk to all concerned.
- 4.2.3 An Equality, Diversity, Cohesion and Integration screening tool was completed in December 2017 and is included as background information to this report. This indicates that a full assessment is not required as putting in place the contract suggested will not impact negatively on service users, staff or other stakeholders.

4.3 Council policies and Best Council Plan

- 4.3.1 The work proposed supports the Council's 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, and social inclusion.
- 4.3.2 The continuation of the extra support provided is also in line with the Best Council plan theme 'tackling poverty and reducing inequalities'.
- 4.3.3 The services 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 These services also contribute to priorities within the development of the new Leeds Drug and Alcohol Strategy by delivering health promotion and helping to increase the

number of successful completions from drug and alcohol treatment programmes to support recovery.

- 4.3.5 The work will also contribute to the Housing Strategy (2016 – 2021), particularly the outcomes related to reducing homelessness and rough sleeping.

4.4 Resources and value for money

- 4.4.1 The cost of the contract will be met by funding from Resources and Housing. A review of the support which is provided for sex workers across the city is currently underway, which will include future funding options. The funding was initially made available for one year but it is now clear that the service needs to be continued to support these women. The review will determine longer term funding for this service.
- 4.4.2 The funding is for the service, and is in line with other similar contracts. Payment will be based on actual costs based on submission of financial returns and will not exceed the new contract value (£56,055).
- 4.4.3 Performance monitoring processes have already been put in place by the Adults and Health Commissioning Team to ensure value for money and quality of delivery for the duration of the extension of the contract.

4.5 Legal implications, access to information, and call-in

- 4.5.1 This is a Significant Operational Decision and is not subject to publication or Call In. 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 a 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 the above and, due to the nature of the services being delivered, the relatively low contract value and the requirement to be physically located in Leeds, it 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.
- 4.5.5 Although there is no over-riding legal obstacle to preventing the waiver of CPR 8.1 and 8.2, by putting in place a new 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.

4.6 Risk management

- 4.6.1 In addition to the risk highlighted at paragraph 4.5.2 above, the fact that this is a second waiver in a row for these services creates a risk of an allegation of disaggregation in order to make the contract value appear artificially low. However, this risk is likely to be low provided the service is subject to competition during 2019.
- 4.6.2 A risk plan has been produced for the contract. This will continue to be reviewed and updated on a regular basis.
- 4.6.3 Risk management has been built into the contract and Basis Yorkshire have the necessary experience and skills to manage risks of working with this highly vulnerable client group, including managing lone working and aggressive and volatile behaviour.

5. Conclusions

- 5.1 The provision of this service has meant that this client group now have access to intensive support via a worker with Basis Yorkshire, with whom they can build up a relationship and improve access to services. This service now needs to be continued to ensure that engagement and support of this client group is extended to ensure increased engagement & retention in services; de-escalation/prevention of chaos & risk; reduced number of complaints; and that women are safer and perpetrators identified.
- 5.2 The service has made great headway in accessing 'priority access' to core services, such as Forward Leeds, Courts, and West Yorkshire Police, and identifying key contacts, coordinating a list of individuals and lead discussions regarding individuals at the Multi Agency Review Board (MARB) and the Vulnerable Adults Review Board.
- 5.3 It is recommended that the contract will run from 15 January 2019 to 30 September 2019, with the option to extend the contract for a further 6 months up until 31 March 2020.

6. Recommendations

The Director of Resources and Housing is recommended to:-

- 6.1 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 up to 14 and a half months of up to £56,054 with Basis Yorkshire, for the provision of targeted, intensive support for women with complex needs. The contract will run from 15 January 2019 to 30 September 2019, for £32,846 with the option to extend the contract for a further 6 months up until 31 March 2020, for £23,208.
- 6.2 Agree to continue to receive performance reports on a quarterly basis, outlining activity undertaken and outcomes achieved, including case studies which illustrate any progress made.

7. Background documents¹

7.1 Equality, Diversity, Cohesion and Integration Screening tool (please see attached).

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.