

Support to victim-survivors of domestic abuse living in safe accommodation: MHCLG funding proposals.

Date: 16th July 2021

Report of: Head of Commissioning (Housing Related Support and Public Health)

Report to: Director of Communities, Housing and Environment

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

Including how it contributes to the city's and council's ambitions

- Under Section 31 of the Local Government Act 2003, the Secretary of State for Housing, Communities and Local Government (MHCLG) has awarded a grant of £1,846,117 to Leeds City Council to cover revenue expenditure relating to the functions set out in the new statutory duty within the Domestic Abuse Act on Tier 1 Local Authorities. This report sets out the intention for how the grant will be allocated and seeks authority from the Director of Communities, Housing and Environment to proceed with those proposals.
- The proposals in this report directly contribute to the Best Council Plan's overarching vision of tackling poverty and reducing inequalities. It addresses the Best Council Plan's priority of keeping people safe from harm and protecting the most vulnerable.

Recommendations

All recommendations relate to the financial year 1st April 2021 - 31st March 2022.

The Director of Communities, Housing and Environment:

- a) Approve an allocation of £359,019 to Leeds Domestic Violence Service (via Leeds Women's Aid as the lead agency) to provide additional support through the existing commissioned emergency accommodation service. This will be done as a variation to contract 9Y9N-Z2LOII - DN194503 under the provision of Public Procurement Regulations 2015- Regulation 72 (c).
- b) Approve an allocation of £227,221 as a grant to Leeds Womens Aid to provide additional support to clients living in the non-commissioned Leeds Women's Aid refuge and the additional dispersed properties that were previously funded through emergency covid funding.
- c) Approve an allocation of £290,029 as a grant to Leeds Women's Aid to develop, manage and fund a new Sanctuary Support Team.

- d) Approve an allocation of up to £50,000 as a grant to St Anne’s Community Services to provide domestic violence support to clients being supported through their accommodation based housing support services.
- e) Approve an allocation of £82,730 to Turning Lives Around to provide domestic violence support to clients living in their commissioned accommodation based service (Beacon). This will be done as a variation to contract DN199026 under the provision of Public Procurement Regulations 2015- Regulation 72 (5) and (6).
- f) Approve an allocation of £207,980 to Gipsil to provide domestic violence support to clients being supported through their young people’s service (Our Way Leeds). This will be done as a variation to contract DN421340 under the provision of Public Procurement Regulations 2015- Regulation 72 (5) and (6).
- g) Approve an allocation of £43,999 to Basis Yorkshire to provide domestic violence support to clients being supported through their Housing First model. This will be done as a variation to contract DN415655 under the provision of Public Procurement Regulations 2015- Regulation 72 (5) and (6).
- h) Approve the allocation of £200,000 to Leeds City Council (Safer Leeds and Leeds Housing Options (LHO) to fund the staff resource required to undertake the administrative burden of the new Statutory Duty and to increase and develop the domestic violence and abuse specialism within the LHO team.
- i) Approval to allocate the remaining funding relating to this decision (£385,145) via Significant Operational Decisions or Administrative Decisions as appropriate.

Why is the proposal being put forward?

- 1 The proposals are necessary to ensure that Leeds City Council is meeting the new statutory duty of ensuring that all victim-survivors of domestic violence and abuse who are living in safe accommodation (as defined by Government guidance) are provided with ongoing support. The funding has been allocated to Leeds City Council for this purpose. In the spirit of the New Burdens Doctrine, the new duty will be funded in future years but the amounts have not been confirmed. Funding for future years will be subject to decisions in the 2021 Spending Review.
- 2 The proposals are being put forward to: expand and enhance the existing support offer to victim-survivors of domestic abuse who are living within specialist domestic abuse emergency accommodation; ensure that victim-survivors living in other accommodation-based services have access to support around their abuse; ensure that victim-survivors who have security improvements installed on their homes (Sanctuary scheme) also have access to ongoing support. The proposals include additional support for adults and for children who are affected by abuse.

What impact will this proposal have?

Wards Affected: City-wide		
Have ward members been consulted?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

- 3 The additional support within specialist domestic violence emergency accommodation is likely to mean that people will be able to move onto more settled accommodation quicker,

resulting in more people who present at Leeds Housing Options being able to access this specialist accommodation.

- 4 It is anticipated that the enhanced support – including more time with a case worker, specialist therapeutic work, additional training/group work opportunities - will result in less people re-presenting into the domestic violence service.
- 5 The proposals include 3 new Children and Young People’s workers based within the specialist domestic violence emergency accommodation which will have a positive impact on the amount of support available to children and young people.
- 6 The enhanced domestic abuse support at the commissioned accommodation based housing support services will mean that those services are better able to support their clients who disclose that they are victim-survivors of domestic abuse and will result in more positive outcomes for those individuals.
- 7 The Sanctuary Support Team will bring additional specialist domestic violence support into community-based accommodation, with a particular focus on people who have protected characteristics and are under-represented at seeking support for domestic abuse. The team will include workers from a range of community-based organisations who, in addition to providing case-work, will raise awareness within their communities about domestic violence and the support that is available. The model includes a number of BAME led organisations who are part of the Women’s Lives Leeds consortium and the Domestic Abuse Voice and Accountability (DAVA) Forum.
- 8 The Team Leader of the Sanctuary Support Team will be co-located with the Leeds Housing Options team – the impact of this will be closer partnership working and streamlined procedures.
- 9 The resource allocated to Leeds City Council will enable the burdens of the Statutory Duty to be undertaken effectively, including:
 - i. Safer Leeds: developing and maintaining an effective Domestic Abuse Local Partnership Board; undertaking a robust needs assessment; developing a Domestic Abuse Strategy; monitoring and reporting to the MHCLG
 - ii. Leeds Housing Options; increasing the level of DV specialism within the team; supporting the new Sanctuary Support Team
- 10 The proposals will create multiple additional domestic abuse support workers across a range of organisations. In addition to the enhanced support for victim-survivors, this investment will result in increased skills and knowledge in the organisations which will have a lasting legacy. It will also sustain the additional short term refuge space developed during COVID and provide a platform for additional safe accommodation through the development of the Sanctuary scheme.
- 11 Overall, by increasing the number of domestic abuse support workers across the city and providing additional and enhanced support to people experiencing domestic violence and abuse, the impact will be improved outcomes for people - reducing risk and helping them to feel safer and better able to move on with their lives.

What consultation and engagement has taken place?

- 12 The funding parameters relating to this grant laid out by MHCLG means that consultation centred on arrangements around support for victim-survivors within safe accommodation.
- 13 The DAVA Forum were asked for ideas on how the funding could be best used and their feedback has been used to shape these proposals. This group consists of a range of Third

Sector providers who are involved in supporting victim-survivors of domestic violence and abuse in a variety of ways. This group has used information from their work with victim-survivors to inform their discussion and proposals. In addition to the worker voice, there have been a number of victim-survivor focus groups to inform the development of the proposals. The group will continue to be consulted on the unallocated funding.

- 14 Consultation on the proposals has taken place with a group of women currently living in the refuge. The women felt strongly that more staff – including night staff - and additional support – including mental health and general support would be of benefit. More support for children was also raised as was additional support around the transition from the refuge into move-on accommodation. The clients also discussed a range of areas outside the scope of this funding which will be discussed during ongoing contract management and will also be part of a wider needs assessment exercise taking place later this year as part of the longer term strategy around developing the city's response to domestic violence and abuse.
- 15 Consultation took place with the providers of commissioned accommodation based housing providers (Leeds Women's Aid, Gipsil, Turning Lives Around, St Anne's Community Services and Basis) around the best ways to expand and enhance the domestic abuse support available. All of the providers are undertaking consultation with their clients and this information will be used to shape delivery.
- 16 Officers from Safer Leeds and Adults and Health Commissioning have met with representatives from the MHCLG to make sure that the proposals are in line with national expectations.
- 17 The Executive Member for Resources has been consulted and is supportive of the proposals.
- 18 It is part of the new Statutory Duty that the Domestic Abuse Local Partnership Board (DALPB) be consulted on any commissioning plans relating to this funding. This consultation happened during the June 2021 meeting and the DALPB supported the proposals.
- 19 The same consultation process will take place for the remaining unallocated funding.

What are the resource implications?

- 20 The funding has been paid to Leeds City Council via an un-ringfenced section 31 grant. It is MHCLG's expectation that this funding is used for the delivery of the duty, including commissioning services, for 2021/22. In the spirit of the New Burdens Doctrine, the new duty will be funded in future years but the amounts have not been confirmed. Funding for future years will be subject to decisions in the 2021 Spending Review.
- 21 There are no longer-term resource allocations – all providers are aware of the short-term nature of the funding and the proposals in this report can be scaled up or scaled down depending on future funding allocations.

What are the legal implications?

- 22 This is a Key Decision as the overall value of this decision is more than £500,000 and as such it is subject to call in. There are no grounds for keeping the contents of this report confidential under the Access to Information Rules.

For recommendation a (variation)

- 23 Variation is being requested in accordance with Public Contracts Regulations 2015 Regulation 72(c) and Contracts Procedure Rule 21.7 depending on the value of each activity. The activity being funded through these proposals is in line with the scope of the original contracts.

For recommendations e, f and g (variations):

- 24 Variations are being requested in accordance with Public Contracts Regulations 2015 Regulation 72 (5) and (6) and Contracts Procedure Rule 21.7 depending on the value of each activity. The activity being funded through these proposals are in line with the scope of the original contracts.

For recommendations b, c and d (grants):

- 25 As the Council would be entering into grant arrangements with Leeds Women's Aid and St Anne's Community Services, the Council will have no contractual control over enforcement of the terms. The only sanction available with grant payments is for the Council to claw-back grant monies unspent or spent on matters for which the grant wasn't provided.
- 26 There is a risk of challenge that a grant payment is not a grant. Legally there is some confusion about when a grant can and cannot be used as there is a fine line between a grant (which is not caught by the procurement rules) and a contract for services (which is caught by the procurement rules). Although no longer directly applicable due to the UK's departure from the European Union the preamble to EU Procurement Directive 2014/24/EU (from which the Public Contracts Regulations 2015 were transposed into English law) is still persuasive and the directive makes it clear at paragraph (4) that "the mere financing, in particular through grants, of an activity, which is frequently linked to the obligation to reimburse the amounts received where they are not used for the purposes intended, does not usually fall within the scope of the public procurement rules".
- 27 As such, unconditional grants are unlikely to meet the definition of a contract as set out in the Public Contracts Regulations 2015 (PCR 2015). However, where grants are used with strict qualification criteria and an obligation to pay back money if certain targets are not reached, the position is less straightforward and it is possible that an arrangement referred to as a grant could actually meet the definition of a contract set out in the PCR 2015 and, if it does, the PCR 2015 may apply. It is therefore extremely important to ensure that, if providing grants, the process followed does not fall within the definition of a "public contract" as set out in PCR 2015 which states –"contracts for pecuniary interest concluded in writing between one or more economic operators and one or more contracting authorities and having as their object the execution of works, the supply of products or the provision of services"
- 28 Grants may be in breach of subsidy control but it is unlikely that the grant payments proposed will fall foul of the subsidy control rules.
- 29 Funding from which any grant payment is made must be designated as "grant" money. If the Council wish to make a grant, the money must be in the Communities, Housing and Environment "grant" block. If it is not, it can normally be moved from other blocks in the Council budget into the grant block.
- 30 Awarding the grants to the named organisations in this way could leave the Council open to a potential claim from other providers, to whom this grant could be of interest, that it has not been wholly transparent. However the risk of this would appear to be low.
- 31 As this is a grant it is not subject to the council's Contracts Procedure Rules or within the Public Contracts Regulations 2015 but good practice and transparency will be observed throughout.
- 32 There is no overriding legal obstacle preventing the award of the grants and the contents of this report should be noted. In making their final decision, the Director of Communities,

Housing and Environment should be satisfied that the course of action chosen represents best value for the Council.

For recommendation h (internal allocation):

33 There are no legal implications as only Leeds City Council offers can undertake the work necessary for the administrative burdens of the statutory duty to be met.

For recommendation i:

34 Remaining funding relating to this key decision (£385,145) will be awarded via Significant Operational Decision or Administrative Decisions as appropriate.

What are the key risks and how are they being managed?

35 The funding proposals listed in this report are being allocated to organisations to deliver additional support to victim-survivors of domestic abuse. Should the organisations fail to deliver this support then there is a risk that Leeds City Council could have to repay the grant to MHCLG. This will be mitigated by payment in instalments, through robust monitoring by Adults and Health Commissioning Team and through ongoing updates and communication with MHCLG.

36 These proposals involve a number of new roles being recruited to at the same time. That, along with the fact that they can only be advertised as 12 month posts due to funding, means there is a risk around successful recruitment. Organisations are managing this by identifying staff from within current structures who have an interest/expertise in domestic abuse support. These staff will receive appropriate training and their current posts will be backfilled.

37 New levels of risk will be held within organisations that do not specialise in domestic abuse support. This will be managed by making sure that appropriate recruitment, training and supervision is in place. Formal and informal links to the specialist Leeds Domestic Violence Service will be strengthened, and strong partnership work between the organisations receiving the funding to share good practise and act as peer support will be encouraged.

Does this proposal support the council's 3 Key Pillars?

Inclusive Growth

Health and Wellbeing

Climate Emergency

38 Supporting individuals and families to recover from their experiences of domestic violence and abuse has a positive impact on health and wellbeing.

Options, timescales and measuring success

a) What other options were considered?

39 The option of all new posts being recruited by Leeds Domestic Violence Service and seconded to partner organisations was considered, but all parties agreed that the option of recruiting directly was preferable. This will result in longer-term benefits by increasing the knowledge and skills within the accommodation-based housing support sector.

b) How will success be measured?

40 Victim-survivors of domestic abuse will feel safer as a result of the additional support – this will be measured through client consultation and feedback.

- 41 Staff in organisations that do not currently provide specialist domestic abuse support will feel more confident in providing support to victim-survivors of domestic abuse – this will be demonstrated through feedback from staff.
- 42 Increased numbers of people from the different communities of interest will be more aware of the support that is available to them and supported to access this support – this will be demonstrated through the collection of demographic data and from feedback from the community-based organisations which will make up the Sanctuary Support Team.

c) What is the timetable for implementation?

- 43 Partner organisations will begin implementing the proposals in July 2021 following approval from the Director of Communities, Housing and Environment.

Appendices

- 44 None.

Background papers

- 45 None.