

Support to victims-survivors of domestic abuse living in safe accommodation: DLUHC funding proposals 2022/23.

Date: 6th June 2022

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

Wards Affected: City-wide

Have ward members been consulted? 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 the Department of Levelling Up, Housing and Communities (DLUHC) has awarded a grant of £1,851,227 to Leeds City Council to cover revenue expenditure relating to the functions set out 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. Previous approval has been given to accept the grant funding from DLUHC (Key Decision dated 02/03/2022).
- 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 2022 - 31st March 2023.

- a) Approve an allocation of £368,777 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 existing contract 9Y9N-Z2LOII - DN194503 (Lot 2) under the provision of Public Contracts Regulations 2015 (PCR) - Regulation 72(1)(c).
- b) Approve an allocation of £295,897 to Leeds Domestic Violence Service (via Leeds Women's Aid as the lead agency) to provide additional support through the existing community based domestic abuse service. This will be done as a variation to existing contract 9Y9N-Z2LOI - DN194503 (Lot 1) under the provision of PCR Regulation 72(1)(c).

- c) Approve an allocation of £255,945 as a grant to Leeds Women's Aid to provide additional support to clients living in the non-commissioned Leeds Women's Aid refuge for a period of 12 months from 01/04/2022.
- d) Approve an allocation of £298,273 as a grant to Leeds Women's Aid to continue developing, managing and funding the Sanctuary Support Team for a period of 12 months from 01/04/2022.
- e) 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 for a period of 12 months from 01/04/2022.
- f) 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 existing contract DN199026 under the provision of PCR Regulation 72 (5) and (6).
- g) Approve an allocation of £203,136 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 existing contract DN421340 under the provision of PCR Regulation 72 (5) and (6).
- h) Approve an allocation of £50,000 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 existing contract DN415655 under the provision of PCR Regulation 72 (5) and (6).
- i) Approve the allocation of £280,000 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.
- j) Approval to allocate the remaining funding relating to this decision (£305,051) 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 statutory duty of ensuring that all victims-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 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 2022 Spending Review.
- 2 The proposals are being put forward to embed and provide additionality to the expanded and enhanced support offer to victims-survivors of domestic abuse which were introduced during 2021/22 and funded by the DLUHC New Burdens 2021/22 funding allocation. DLUHC has been clear that the 2022/23 funding should be used to continue and develop the provision that was developed in 2021/22.
- 3 Official confirmation of the 2022/23 allocation was received from DLUHC on 5th April 2022. While initial work had been done in advance of this date, the timing is such that this report is relating to a retrospective start.

What impact will this proposal have?

- 4 In the medium/longer term, 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.

- 5 The enhanced support – including more time with a case worker, specialist therapeutic work, additional training/group work opportunities – is likely to result in less people re-presenting into the domestic violence service. This will be monitored during 2022/23.
- 6 The Children and Young People’s workers based within the specialist domestic violence emergency accommodation will be able to continue the additional support (includes 1-1 work, group work, after-school clubs) available to children and young people.
- 7 The enhanced domestic abuse support at the commissioned accommodation-based housing support services means that those services are better able to support their clients who disclose that they are victims-survivors of domestic abuse and will result in more positive outcomes for those individuals.
- 8 The additional posts within the community-based domestic abuse element of the LDVS service include: a Victims-Survivors Co-production team to make sure that the voices of a wide-range of people are heard and can influence provision; a Partnership Co-ordinator role to ensure consistency of support across all the organisations receiving funding; additional resource for group work and also for a male practitioner to ensure that victims-survivors can be offered a range of options.
- 9 Having a specialist Domestic Abuse Practitioner on the team will mean that the wider workforce within the accommodation-based housing support services will become more confident in supporting clients experiencing domestic abuse.
- 10 The Sanctuary Support Team will continue to 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 includes workers from a range of community-based organisations who, in addition to providing casework, are raising awareness within their communities about domestic abuse and the support that is available. The model includes BAME led organisations who are part of the Women’s Lives Leeds consortium and the Domestic Abuse Voice and Accountability (DAVA) Forum.
- 11 The resource allocated to Leeds City Council will enable the burdens of the Statutory Duty to be undertaken effectively, including:
 - i. Safer Leeds: maintaining an effective Domestic Abuse Local Partnership Board; undertaking robust needs assessments; developing a Domestic Abuse Strategy; monitoring and reporting to DLUHC
 - ii. Leeds Housing Options; maintaining the increased level of DV specialism within the team; continuing to support the Sanctuary Support Team
- 12 The proposals will safeguard and add to the multiple additional domestic abuse support workers which were recruited across a range of organisations for another year. In addition to the enhanced support for victims-survivors, this investment will result in increased skills and knowledge in the organisations which will have a lasting legacy.
- 13 Overall, by maintaining the increased 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?

- 14 The funding parameters relating to this grant laid out by DLUHC means that consultation centred on arrangements around support for victims-survivors within safe accommodation. The majority of the consultation took place when deciding how to allocate the 2021/22 funding – the intention to continue funding that activity in future years was made clear.
- 15 The DAVA Forum were asked for ideas on how the funding could be best used and their feedback was used to shape 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. The group used information from their work with victim-survivors to inform their discussion and proposals. In addition to the worker voice, a number of victim-survivor focus groups were held. The group will continue to be consulted on the unallocated funding.
- 16 Consultation took place with a group of women 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.
- 17 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.
- 18 Officers from Safer Leeds and Adults and Health Commissioning met with representatives from DLUHC to make sure that the proposals were in line with national expectations.
- 19 The Executive Member for Resources has been consulted and is supportive of the proposals.
- 20 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. The Board is regularly updated on progress of delivery.

What are the resource implications?

- 21 The funding has been paid to Leeds City Council via an un-ringfenced section 31 grant. It is DLUHC's expectation that this funding is used for the delivery of the duty for 2022/23. 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 2022 Government Spending Review.
- 22 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?

- 23 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 and b (variations):

- 24 Variation is being requested in accordance with PCR Regulation 72(1)(c). Under Regulation 72(1)(c) a contract may change without a new procurement where all of the following conditions are fulfilled: (i) the need for modification has been brought about by circumstances which a diligent contracting authority could not have foreseen; (ii) the modification does not alter the overall nature of the contract; and (iii) any increase in price does not exceed 50% of the value of the original contract. These conditions have been met because: (i) the timing of the confirmed funding availability and level only came through in February/March 2022 making it impossible to implement anything else; (ii) the additional funding does not alter the overall nature of the contracts; and (iii) the additional funding represents 8.47% increase to contract 9Y9N-Z2LOI - DN194503 (Lot 2); the additional funding represents 6.8% increase to contract 9Y9N-Z2LOI - DN194503 (Lot 1), which does not exceed 50% of the value of the original contracts.
- 25 When contracts are varied on reliance on Regulation 72(1)(c), it is a requirement to submit a modification notice to Find a Tender (FTS) to alert the market that a modification to the contract has taken place (or is to take place). Once the notice is published on FTS it will start time running for bringing a claim for a breach of the PCR, which must be brought within 30 days of the date that an aggrieved party knew, or ought to have known, that a breach had occurred. The service will ensure a modification notice to that effect will be published.
- 26 There is no overriding legal obstacle preventing the above variations 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 recommendations f, g and h (variations):

- 27 Variations are being requested in accordance with PCR Regulations 72 (5) and (6). Under Regulations 72(5) and (6) a contract may change without a new procurement where: (i) it is a minor change that does not affect the nature of the contract; and (ii) does not exceed the relevant threshold for contracts under the PCR; and (iii) does not exceed 10% of the initial value (in aggregate). The activity being funded through these proposals are in line with these rules.
- 28 There is no overriding legal obstacle preventing the above variations 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 recommendations c, d and e (grants):

- 29 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.
- 30 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 PCR 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".

- 31 As such, unconditional grants are unlikely to meet the definition of a contract as set out in the PCR. 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 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."
- 32 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, as they would be exempt under the minimal financial assistance exemption.
- 33 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.
- 34 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.
- 35 As these are grants, they are not subject to the council's Contracts Procedure Rules or within the PCR but good practice and transparency will be observed throughout.
- 36 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 i (internal allocation):

- 37 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 j:

- 38 Remaining funding relating to this key decision (£305,051) will be awarded via Significant Operational Decision or Administrative Decisions as appropriate.

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

- 39 The funding proposals listed in this report are being allocated to organisations to deliver additional support to victims-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 DLUHC. This will be mitigated by payment in instalments, through robust monitoring by Adults and Health Commissioning Team and through ongoing updates and communication with DLUHC.
- 40 The short-term funding means that there remains a lack of job security for people recruited to the posts. Messages from DLUHC around their intention to continue levels of funding are shared with staff and opportunities for training and development are provided.
- 41 New levels of risk are being held within organisations that do not specialise in domestic abuse support. This has been managed by making sure that appropriate recruitment, training and supervision is in place. Formal and informal links to the specialist Leeds Domestic Violence Service are being strengthened and the new DA Partnership Co-ordinator post included in these proposals (see 7) will particularly contribute to this.

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

- Inclusive Growth Health and Wellbeing Climate Emergency

- 42 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?

- 43 The option of all 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?

- 44 Victim-survivors of domestic abuse will feel safer as a result of the additional support – this will be measured through client consultation and feedback.
- 45 Staff in organisations that did not previously provide specialist domestic abuse support will feel more confident in providing support to victims-survivors of domestic abuse – this will be demonstrated through feedback from staff.
- 46 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.
- 47 The first monitoring returns to DLUHC are due in June 2022.

c) What is the timetable for implementation?

- 48 Contract variations / grant agreements will be issued upon confirmation of approval from the Director of Communities, Housing and Environment
- 49 The majority of the funding is being used for a continuation of existing provision so activity will continue without interruption.

50 Recruitment for the new positions will begin in June 2022.

Appendices

51 ECDI Screening

Background papers

52 N/a