

Support to victim-survivors of Domestic Abuse: Department of Levelling Up, Housing and Communities (DLUHC) funding 2023 to 2025

Date: 12th February 2024

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

Brief summary

The proposal recommended in this report will allow current levels of support being provided to victim-survivors of domestic abuse through the commissioned domestic abuse support service – Leeds Domestic Violence Service (LDVS) - to be maintained.

Recommendations

All recommendations relate to the period 1st April 2023 - 31st March 2025.

- a) Approve an allocation of up to £114,749 to LDVS (via Leeds Women's Aid as the contracted lead provider) to be able to continue providing additional support to victim-survivors of domestic abuse. This will be done as a variation to existing contract DN194503 (Lot 1) under the provisions of Regulation 72(1)(c) of The Public Contracts Regulations (PCR) 2015).

What is this report about?

- 1 Under Section 31 of the Local Government Act 2003, the Secretary of State for the Department of Levelling Up, Housing and Communities (DLUHC) awarded a grant of £3,812,144 to Leeds City Council to cover 2023-25 revenue expenditure relating to the functions set out within the Domestic Abuse Act on Tier 1 Local Authorities.
- 2 Approval to allocate the majority of the funding was awarded in April 2023 (Key Decision D56226). This report requests approval to award the remaining uncommitted funding to Leeds Women's Aid as a variation to contract DN194503 (Lot 1) to make sure that the service can continue to support as many victim-survivors as possible.

- 3 The proposal 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.

What impact will this proposal have?

- 4 This funding will safeguard against the risk of a reduction in support being available for victim-survivors of domestic abuse:
- £56,792 of the funding will be allocated to Behind Closed Doors (BCD) to safeguard the level of staffing that is currently in place. The level of referrals into the BCD element of the LDVS service is very high. BCD leads on the support to male victim-survivors, and it is vital that this growing area of work be resourced appropriately.
 - The remaining funding (£57,957) will be allocated to Leeds Women’s Aid to enable them to maintain the level of support that is currently being provided across a range of key provision including the 24-hour helpline, drop-in provision and supporting the key partnership DRAM and MARAC arrangements.
- 5 Behind Closed Doors and Leeds Women’s Aid have both been contributing to the core costs of the commissioned service from their own resources for some time. This is not a sustainable position for them and this additional funding is needed in order for them to maintain the level of support that is currently being provided.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing Inclusive Growth Zero Carbon

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

What consultation and engagement has taken place?

Wards affected: City-wide

Have ward members been consulted? Yes No

- 7 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.
- 8 The Domestic Abuse Voice and Accountability (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 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-survivors focus groups were held.
- 9 Officers from Safer Stronger Communities and Adults and Health Commissioning met with representatives from DLUCH to make sure that the proposals were in line with national expectations.

10 The Executive Member for Resources has been consulted and is supportive of the proposals.

What are the resource implications?

11 The funding has been paid to Leeds City Council via an un-ringfenced section 31 grant. It is DLUCH's expectation that this funding is used for the delivery of the duty for 2023 to 2025. In the spirit of the New Burdens Doctrine, the new duty will be funded in future years, but the amounts have not been confirmed.

12 There are no longer-term resource implications – the providers are aware of the short-term nature of the funding.

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

13 The funding is being allocated to organisations to deliver 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.

14 While this 2-year funding allocation provides more security than previous 1 year allocations, the short-term funding means that there remains a lack of job security for people in post. Messages from DLUHC around their intention to continue levels of funding are shared with staff and opportunities for training and development are provided.

What are the legal implications?

15 This is a Significant Operational Decision as the overall value of this decision is less than £500,000 and as such it is not subject to call in. There are no grounds for keeping the contents of this report confidential under the Access to Information Rules.

16 The 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 did not allow for a competitive tendering exercise; (ii) the additional funding does not alter the overall nature of the contracts; and (iii) the additional funding represents 19.3% increase to contract 9Y9N-Z2LOI - DN194503 (Lot 1). This increase does not exceed 50% of the value of the original contract.

17 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.

- 18 In addition to the provisions of the PCR 2015, the Council's internal Contract Procedure Rules (CPR) will also apply, specifically CPR 21.5 – CPR 21.10 pertaining to contract variations. In this instance, despite the contract variation proposed here being of high value (over £100k), there is to be no change in the terms and conditions and none of the conditions of CPR 21.9 are met, therefore the contract variation requested is in line with the Council's CPR's.
- 19 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.
- 20 As a public body, the Council must comply with the Subsidy Control Act 2022 when it is providing financial assistance to companies, charities and other organisations. A subsidy occurs when financial assistance is provided from public resources - whether directly or indirectly - and all the following conditions are met:
- the assistance confers an economic advantage on a recipient;
 - the assistance specifically benefits a recipient over other entities in relation to the production of goods or the provision of services; and
 - the assistance has, or is capable of having, an effect on (a) competition or investment within the UK (b) trade between the UK and another country or territory or (c) investment as between the UK and another country or territory.

Options, timescales and measuring success

What other options were considered?

21. The option of sourcing a new project on which to spend this funding was rejected because of the short remaining time-frame and absence of confirmation of longer-term funding to sustain new activity.
22. The remaining option would be to not use the allocation from the government. However, this would significantly affect the Council's ability to meet the city aim of supporting victim-survivors of domestic abuse.

How will success be measured?

23. The high numbers of people being supported by LDVS will be maintained. This will be measured through the existing contract management process.
24. Victim-survivors of domestic abuse will feel safer as a result of the continued support – this will be measured through client consultation and feedback.

What is the timetable and who will be responsible for implementation?

25. A contract variation will be issued upon confirmation of approval from the Director of Communities, Housing and Environment
26. The funding will be used to continue existing provision so activity will continue without interruption.

Appendices

- ECDI screening

Background papers

- N/A