

DECISION-MAKER:	COUNCIL		
SUBJECT:	Domestic Violence and Sexual Abuse Service Recommissioning		
DATE OF DECISION:	15 September 2021		
REPORT OF:	COUNCILLOR SPIROS VASSILIOU CABINET MEMBER FOR COMMUNITIES, CULTURE AND HERITAGE		
<u>CONTACT DETAILS</u>			
Director	Title	Executive Director Communities, Culture & Homes Director of Quality and Integration	
	Name	Mary D’Arcy Stephanie Ramsey	Tel: 023 8083 4611 023 8029 6941
	E-mail:	mary.d'arcy@southampton.gov.uk stephanie.ramsey1@nhs.net	
Authors:	Title	Senior Commissioner	
	Name:	Sandy Jerrim	Tel: 023 8029 6039
	E-mail:	s.jerrim@nhs.net	
STATEMENT OF CONFIDENTIALITY			
None			
BRIEF SUMMARY			
<p>With our current Domestic Violence contracts coming to an end in March 2022, a full service review has been conducted by commissioners to look in detail at the performance of services for medium risk domestic abuse victims, those who have been victims of sexual abuse and those needing to access refuge provision. These services are currently delivered by two separate contracts:</p> <ol style="list-style-type: none"> 1. Prevention and Early Intervention (PEI) – Provided by Yellow Door 2. Refuge – Provided by Homegroup <p>Findings from this review have guided our commissioning intentions from April 2022 and are being presented to Joint Commissioning Board for consideration and support prior to final approval by Council.</p>			
<p>The Prevention and Early Intervention service currently delivers:</p> <ul style="list-style-type: none"> - Telephone support <ul style="list-style-type: none"> o Contact point for domestic violence (PIPPA) o Sexual Abuse helpline o Yellow Door main contact number - Independent Sexual Violence Advisors (ISVAs) - Sexual violence therapeutic services <ul style="list-style-type: none"> o Adults o Children and young people o Family - Domestic Abuse team 			

- Pattern changing courses
- Adverse Childhood Experiences recovery
- Education on domestic abuse and healthy relationships for young people in school
- Diversity and inclusion advocacy
- Domestic abuse outreach
- IRIS – educator/advocator work with primary care settings
- Feelings Affect Behaviour courses for families
- Young people drop in sessions

The Refuge service currently delivers:

- A residential option for victims (and their children if they have them) to flee a domestically abusive relationship.
- This consists of 5 family and 7 single occupancy rooms
- Work with victims to build confidence and skills to engage with other support services and access the appropriate support to rebuild their (and their children's' lives).
- Support individuals and families to move on to long term safe accommodation.
- Capacity to the national network of refuges.

Alongside commissioners from the Office of the Police and Crime Commissioner (OPCC), we will be looking to jointly recommission a broadly similar range of services. These will be combined into one single contract with clear instructions of the defined areas of service required. The contract will also set out the potential development and expansion role the provider will need to undertake in response to the new Domestic Abuse Act 2021 and findings from the needs assessment.

As a consequence of new legislation (the Domestic Abuse Act 2021) there is a range of activity underway to prepare Southampton City Council (SCC) and local services to deliver against the requirements of the Act. This paper represents the Commissioned Services element of this work but is aligned to the wider work and duties in the Act.

Alongside the commissioned services review a paper which links into the delivery of domestic abuse work in Southampton is going to Cabinet (August 2021). The report entitled appointment of a Local Partnership Board pursuant to part 4 of the Domestic Abuse act 2021 seeks Cabinet support to appoint a local partnership board consisting of key partners with an interest in tackling domestic abuse and supporting victims, including their children. The role of the Board is to provide advice to Southampton City Council on the exercise of its duties under Part 4 of the Domestic Abuse Act 2021 and the provision of other local authority domestic abuse support in its area. This will include the preparation of a system-wide strategy, addressing the 2021 Act in general and any other relevant need in the city.

The Independent Sexual Violence Advisor (ISVA) service, which has been a significant part of our sexual violence support service will be commissioned by the OPCC as a pan-Hampshire service from April 2022. This means changes will be necessary within the specifications for the new service.

RECOMMENDATIONS For Council:

	(i)	Subject to approval from Joint Commissioning Board (JCB) to agree to a procurement of Domestic Violence and Sexual Abuse services
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		for period of 7 years (5+2) for a total value of up to £3,430,000 (£490,000, p/a) using existing and available budgets of which £344,000 is SCC and CCG funding and £146,000 Office of Police and Crime Commissioner funding.
	(ii)	To note, in addition to the £490,000, the contract would include the potential to vary the current annual value by up to 45% of SCC contributions (£154,800 per annum) to respond to new services required as a result of the new Domestic Abuse Act, subject to further approvals.
	(iii)	to delegate authority to the Director of Quality & Integration to carry out a procurement process for the provision of HRS services as set out in this report and to enter into contracts in accordance with contract procedure.

REASONS FOR REPORT RECOMMENDATIONS

1.	The current Domestic Violence and Sexual Abuse contracts come to an end in March 2022. Approval is required through Council to carry out a procurement for new services.
2.	These services enable Southampton City Council to meet statutory obligations under the Domestic Abuse Act to have support in place for victims of domestic violence and sexual abuse.
3.	<p>Services to support victims of domestic abuse are crucial to the safety and wellbeing of many of our residents. Domestic abuse is seen in all sections of society, regardless of age, faith, education, employment, children, income, complex needs and any other attribute. Southampton is committed to providing support to victims of domestic violence and sexual abuse (DVSA) offering support in a time of crisis, keeping them safe from further harm, enabling victims to make supported and informed decisions such as whether to leave an abusive partner, if that is their wish, and gaining practical and/or emotional support to help them rebuild their lives.</p> <p>This work also supports a number of key strategies such as the Safe City Partnership strategy and the Health and Care 5 year strategy in their aims to safeguard victims and improve their wellbeing while avoiding greater pressures on other services across the system including mental health and substance misuse.</p>

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

4.	An extension to existing arrangements has been considered but is not viable. All contract extensions have now been used. A final option to direct award to the incumbent providers for a single year was used for the current financial year. This arrangement, implemented under a VEAT (Voluntary Ex-Ante Transparency) Notice specified to the market that the arrangement would be for no more than one year. Going back on this assertion leaves us open to legal challenge and reputational damage.
5.	Do nothing has been considered and rejected as it would result in no services being in place when the current contracts come to an end. Services are required to meet legal duties under the Domestic Abuse Act.

6.	The option for SCC to provide these services in house has been considered. This has been rejected because Southampton and neighbouring areas benefit from a good range of existing providers offering high quality and well-respected services. To pursue an SCC led service could mean that we lose the expertise and variety of provision and strong networks that exist amongst the external providers. The Southampton First policy has made this approach a strong consideration but the evidence from our own experience and neighbouring authorities indicates a strong market geared up to competitively tender for this contract and deliver quality, specialism and cost effectiveness.
DETAIL (Including consultation carried out)	
7.	Both domestic abuse and sexual violence are sadly seen in all sections of society, regardless of age, faith, education, employment, children, income, complex needs and any other attribute. Southampton is committed to providing support to victims of domestic violence and sexual abuse (DVSA) offering support in a time of crisis, keep them safe from further harm, leave their perpetrator if that is their wish and gain practical and/or emotional support to help them rebuild their lives. Southampton City Council plays a key role in commissioning services to support victims whether they be in crisis or on the road to recovery.
8.	A detailed service review was undertaken by commissioners and looked in detail at service delivery, demand and suitability of the service in context of the Domestic Abuse Act 2021. The review began with a detailed context paper offering a snapshot of key issues at the end of 2020 and culminated with a service review paper including preferred and rejected options for commissioning.
9.	The review engaged colleagues from across Health and Social Care, Health, Criminal Justice and the third sector. Commissioners also noted feedback from service users and commissioners from other areas.
10.	Findings from the review were presented back to key stakeholders to offer the opportunity to confirm or challenge our commissioning intentions.
11.	<p>Following the detailed review, the commissioners recommend:</p> <ul style="list-style-type: none"> • Procurement of Domestic Violence and Sexual Abuse services that provide a range of defined services and includes safe accommodation and refuge provision contained in one contract • The commissioned service to retain a comparable range of services with the exception of Independent Sexual Violence Advisors (ISVAs). From April 2022 the ISVA service will be commissioned jointly with the Office of the Police and Crime Commissioner, Hampshire County Council and Portsmouth City Council as a pan-Hampshire contract. • The contract includes sufficient flexibility to support the delivery of additional work that may be required following completion of the needs assessment and formation of the new Domestic Abuse strategy

12.	<p>Through the review and the wider work looking at the requirements under the Domestic Abuse Act it was identified that the current services offer good quality interventions to support some of the most vulnerable people supporting them to take control back in their lives. This has been borne out by the commissioning review and the independent review work undertaken as part of our preparedness to implement part 4 of the Domestic Abuse Act. Keeping a reasonably comparative service within the new specification will also allow us to develop the services to meet additional requirements arising from the Act over time without victims or professionals seeing a major change in how service operate</p>
13.	<p>A major change within the new service specification will be the move from commissioning separate contracts for refuge and community-based support for medium risk victims, to commissioning a single contract to cover both.</p> <p>There are a number of benefits identified in this approach:</p> <ul style="list-style-type: none"> • More flexibility as the developmental elements of the specification become defined. • Greater accountability to the commissioners and Domestic Abuse Partnership Board. • Reduced management costs across the contracted services. • Provides a substantive basis to respond to the new duties under the Domestic Abuse Act, aligned to safe accommodation and support into accommodation. <p>One potential disadvantage is that providers may have to take on a new specialist area of work. We will mitigate this by ensuring the tender allows for consortium bids with sub-contracting arrangements to help organisations draw on the required specialisms from other organisations if required.</p>
14.	<p>The review has also taken account of the OPCC decision to commission the ISVA provision as a pan-Hampshire service rather than placing this money into our contract. The benefit to this approach is greater consistency of provision across the whole Hampshire area and greater economies of scale by having one organisation delivering the ISVA work across Hampshire. There is a risk that the focus on Southampton's needs becomes diluted within a larger service but commissioners will be working closely with the OPCC and Hampshire partners to monitor the new arrangements and to ensure the level and quality of the current provision is maintained.</p>
15.	<p>The passing of the Domestic Abuse Act 2021 comes with a portion of "New Burdens" funding which has been granted to local authorities to allow them to deliver new services against Part 4 of the Act (Support into Safe Accommodation). Flexibility will be required within the new service contract to allow for us to develop our capacity in this area and respond to findings from the needs assessment once completed.</p>
16.	<p>The contract would be for a period of a total of 7 years as a 5 year contract with the option to extend for 2 further years. This timeframe will allow for a necessary period to embed the specification and develop services following activities precipitated by the Domestic Abuse Act 2021 (most notably the completion of the needs assessment and strategy for Southampton). An initial</p>

	term of 5 years is considered more attractive to the market as it offers a greater degree of stability and greater scope to deliver the developmental aspects of the specification.																										
17.	To support the requirement to be flexible and respond to requirements emerging from the Domestic Abuse Act and needs assessment, the contract will contain relevant and adequate variation clauses.																										
RESOURCE IMPLICATIONS																											
<u>Capital/Revenue</u>																											
18.	<p>As a minimum the expected annual contract value will be £490,000, and a total of £3,430,000 in total across the 7 years. The budget comprises funding from several sources including</p> <table border="0"> <tr> <td>ICU direct budget</td> <td style="text-align: right;">£134,400</td> </tr> <tr> <td>Plus contributions</td> <td></td> </tr> <tr> <td>Public Health</td> <td style="text-align: right;">£132,500</td> </tr> <tr> <td>Public Health additional contribution to Yellow Door</td> <td style="text-align: right;">£8,000</td> </tr> <tr> <td>HRA contribution towards Yellow Door</td> <td style="text-align: right;">£11,100</td> </tr> <tr> <td>CCG towards DA contracts</td> <td style="text-align: right;">£58,000</td> </tr> <tr> <td>ICU & Public Health total =</td> <td style="text-align: right;">£209,600</td> </tr> <tr> <td> </td> <td></td> </tr> <tr> <td>Overall SCC and CCG budget total =</td> <td style="text-align: right;">£344,000</td> </tr> <tr> <td> </td> <td></td> </tr> <tr> <td>Office of Police and Crime Commissioner =</td> <td style="text-align: right;">£146,000</td> </tr> <tr> <td> </td> <td></td> </tr> <tr> <td>Total Funding =</td> <td style="text-align: right;">£490,000</td> </tr> </table> <p>The contracting arrangements include the option to vary the contract if required and subject to further approvals.</p>	ICU direct budget	£134,400	Plus contributions		Public Health	£132,500	Public Health additional contribution to Yellow Door	£8,000	HRA contribution towards Yellow Door	£11,100	CCG towards DA contracts	£58,000	ICU & Public Health total =	£209,600	 		Overall SCC and CCG budget total =	£344,000	 		Office of Police and Crime Commissioner =	£146,000	 		Total Funding =	£490,000
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<u>Property/Other</u>																											
19.	<p>The new provider will need to source 12 units of refuge accommodation, for which there may be an option to use an existing property owned by Southampton City Council and in use in the current contract. If they chose to use the property, it will be subject to the findings of a survey checking it remains fit for purpose. If they do not use the SCC property, through their choice or outcome of the survey, appropriate steps will be taken to ensure all individuals who have accessed the current refuge provision, and not moved on by April 2022, are supported to pursue a number of positive move on options, including a transfer to the new commissioned refuge.</p> <p>Where a provider is not seeking to take forward the SCC property, the property will be considered for alternative use by SCC Housing and ICU teams.</p>																										
LEGAL IMPLICATIONS																											
<u>Statutory power to undertake proposals in the report:</u>																											

20.	The Domestic Abuse Act (the Act) was signed into law on 29 April 2021. The Act places new Duties on a range of statutory partners.
21.	<p>Part Four of the Act places Duties on Southampton City Council (SCC) to:</p> <ul style="list-style-type: none"> ● Appoint a multi-agency Domestic Abuse Local Partnership Board ● Carry out a Safe Accommodation Needs Assessment ● Develop and publish a Safe Accommodation Strategy by August 2021 (date subject to formal consultation), having regard to the needs assessment ● Give effect to the strategy (through commissioning / de-commissioning decisions) ● Monitor and evaluate the effectiveness of the strategy ● Report back to central government annually.
22.	<p>The Statutory Guidance makes it explicit that Part Four Duties are, “<i>separate to local authority housing duties under the Housing Act 1996 and the Homelessness Reduction Act 2017</i>” and Part Four Duties do, “<i>not place a requirement on authorities to provide domestic abuse victims with accommodation</i>”. It states, “<i>local authorities must still comply with their duties under homelessness law in line with the Chapter 8 of the Homelessness Code of Guidance for local authorities</i>”. It clarifies that, “<i>Accommodation such as generic Bed and Breakfast accommodation and homeless hostels – in that they are not solely dedicated to providing a safe place to stay for victims of domestic abuse, including expert support are not considered relevant safe accommodation, and as such, local authorities cannot commission support within these types under this duty</i>”. It states, “<i>Commissioning authorities will need to ensure that accommodation covered under other Acts, such as temporary accommodation provided under Part 7 of the Housing Act 1996, are not utilised in fulfilling the requirements of this duty</i>”.</p>
23.	<p>Part 7 (s71 and s72) places Duties on SCC Housing. s71 requires local authorities to give those who are homeless because of fleeing domestic abuse priority need status for accommodation secured by the local authority.</p> <p>s72 requires local authorities, when re-housing an existing lifetime social tenant, or offering them a new sole tenancy in their own home, to grant a new lifetime tenancy if the local authority is satisfied that the tenant or a member of their household has been a victim of domestic abuse and the new tenancy is granted in connection with that abuse. It is likely that SCC will receive funding to implement Part Seven Duties. Information regarding funding was not available at the time of writing this report.</p>
<u>Other Legal Implications:</u>	
24.	Procurement will be carried out in accordance with the Council’s Contract Procedure Rules and Financial procedure Rules and having regard to the Equality Act 2010 and the Human Rights Act 1998 in considering the impact of commissioned services on end service users.
CONFLICT OF INTEREST IMPLICATIONS	
25.	None
RISK MANAGEMENT IMPLICATIONS	

26.	OPCC funding does not gain approval. Should this unlikely event occur we would enact contingency plans to commission a smaller service.
27.	<p>Reputational risk:</p> <ul style="list-style-type: none"> - By not providing services SCC may face considerable reputational risk around the lack of action to tackle domestic abuse. Commissioning services will mitigate this risk - Providing poor quality services could result in reputational damage. These risks will be managed through a procurement process weighted towards quality over price and having a clear specification in terms of our expectations around service delivery.
28.	<p>Financial risk:</p> <ul style="list-style-type: none"> - Financial contributions may not be available at the proposed value, or for the life of the contract. This will be mitigated in two ways <ul style="list-style-type: none"> o Agreements will be in place to support income, ensuring sufficient notice is given by funders to SCC to enable contracts to be amended accordingly o Clauses in the contract will allow commissioners to amend the contract value and service model to accommodate any change in income.
29.	<p>Procurement risk:</p> <ul style="list-style-type: none"> - A lack of providers tendering for the service. The risk is being mitigated by a longer contract, 5 years, with the option of further extension of 2 years. We will also welcome consortia bids where a lead provider is responsible for subcontracting smaller/more specialist elements of the contract. - A locally valued provider is not successful in retaining an existing contract could lead to concerns being raised. A legally compliant and transparent procurement process will mitigate this risk, but not avoid concerns being raised.
30.	<p>Contract performance:</p> <ul style="list-style-type: none"> - Demand may exceed the capacity of the service commissioned. Management of this risk will be through regular and timely contract monitoring and remedial steps taken to prioritise the service against demand and need. - A robust procurement process will ensure the provider is able to deliver the service to the quality and performance level required. This will be monitored through regular and timely contract monitoring meetings. Contract clauses will also allow for action to be taken should poor performance or quality emerge.
31.	<p>Property Risk:</p> <ul style="list-style-type: none"> - Termination of current lease could be a risk as we will need to carefully manage the current residents and new referrals and work closely with the incumbent provider to carry out any necessary works on the property to prepare it for a new leaseholder. - Providers may be put off bidding because of the property issues. To mitigate we will work with the incumbent provider, SCC Housing and SCC Property Services to resolve any outstanding issues as soon as practicable.

	- There is a non-commissioned provider of refuge services in the city who may wish to tender for the contract, and in doing so, may present their current refuge service as an alternative. We will reduce this risk by seeking properties to be brought forward with vacant possession.	
POLICY FRAMEWORK IMPLICATIONS		
32.	Service will align with principles set out in the Southampton Against Domestic & Sexual Abuse Multi Agency Strategy 2017-20	
33.	Tackling Violence Against Women and Girls Strategy 2021	
34.	Serious Violence Duty: draft guidance for responsible authorities	
35.	Service will support the Safe City Partnership Strategy 2017-2020 and Safe City Strategy 2021-2026 to be consulted on this year	
36.	Health and Care 5 year strategy 2020-2025	
KEY DECISION?		Yes
WARDS/COMMUNITIES AFFECTED:		
<u>SUPPORTING DOCUMENTATION</u>		
Appendices		
1.	Appendix 1 - Equality Impact Assessment - DVSA commissioned services 2022	
Documents In Members' Rooms		
1.	None	
Equality Impact Assessment		
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.		Yes
Privacy Impact Assessment		
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.		Yes
Other Background Documents		
Other Background documents available for inspection at:		
Title of Background Paper(s)		Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None	