



## Notice of Non-key Executive Decision

<b>Subject Heading:</b>	Approval to begin competitive tender process for the support of victims of Domestic violence.
<b>Cabinet Member:</b>	Wendy Brice - Thompson Councillor for Adults and Public Health
<b>SLT Lead:</b>	Barbara Nicholls Director of Adult Services and Health
<b>Report Author and contact details:</b>	Susan Shepherd 6 <sup>th</sup> Floor South, Mercury House 01708 433021
<b>Policy context:</b>	Strategy to end violence against women and girls 2016 - 2020 HM Government
<b>Financial summary:</b>	Annual Contract value for retender £233,198 Total for maximum length of Contract £933,800
<b>Relevant OSC:</b>	Individuals
<b>Is this decision exempt from being called-in?</b>	NO

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**The subject matter of this report deals with the following Council Objectives**

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

*Place an X in the [] as appropriate*

## Part A – Report seeking decision

### DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Approval is requested to commence a competitive tender process during March 2018 for the delivery of support services for people affected by Domestic violence.

### AUTHORITY UNDER WHICH DECISION IS MADE

#### 3.3 Powers of Members of the Senior Leadership Team

Members of the Senior Leadership Team (SLT) have delegated authority to act as follows within the assigned service/portfolio of responsibilities, subject to the general provisions and limitations set out in section 3.1

#### Contract powers

(a) To approve commencement of a tendering process for all contracts above a total contract value £500,000.

### STATEMENT OF THE REASONS FOR THE DECISION

#### **Background**

Following a competitive process, a contract was awarded to Havering Women's Aid in 2011 to provide a floating support service to people affected by domestic violence and two accommodation based services for women fleeing domestic violence (women's refuges.)

The contract was for a period of three years from 1<sup>st</sup> October 2011 with the option to extend by an additional period of up to two years by written notice. The contract was extended for the maximum period and ceased in September 2016. An interim contract was then awarded to the current provider Havering Women's Aid in May 2017 via a waiver of Council's Contract Procedure Rules 8 and 9.

The Council has a range of specific powers and duties in relation to reducing domestic violence, including powers and duties under the Crime and Disorder Act 1998, the Domestic Violence, Crime and Victims Act 2004, the Anti-Social Behaviour Crime and Policing Act 2014, and the Care Act 2014. In addition, the Housing Act (1996) and Homelessness Act (2002) specify that local authorities have a duty to provide housing advice to anyone who is homeless or threatened with homelessness – the former including those who are living in a refuge.

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### **Current Service Provision**

The current provision is two refuges in confidential locations in Havering for women fleeing violence the service also provides floating support.

One refuge has 9 units/self-contained flats and is owned by the Council and the second refuge has 14 units/self-contained flats and is owned outside of the Council

Havering Women's aid also provides floating support for people who are affected by domestic violence. This service offers short term support, support planning and information and guidance and is only available to Havering residents. The floating support service will also support men affected by domestic violence living within the borough.

The table below shows a summary of usage of the support services for people affected by Domestic violence. This table looks specifically at the women accessing refuge places.

	<b>Elm Park</b>	<b>Romford</b>
Total no of women/families	27	22
% of people from Havering	29%	31%
% staying over 12 months	25%	36%
Average length of stay	8 months	9 months
% of women with children	89%	81%
<b>Exit Pathway</b>		
% people returned home	11%	14%
% people private sector lease	89%	50%
% people housing association	0%	14%

The complexities of obtaining suitable housing means that some individuals, or women with their children, stay at the refuges for extended periods of time. Clients at the refuges have stayed for a period of between 5 to 24 months, the average stay is between 8 and 9 months.

### **New service**

The new Havering specification for provision is being developed in conjunction with local need, the national strategy and expectations. The development of the specification for the service will include analysing data relating to past and current usage, outcomes achieved, safeguarding, cost and demand. Consultation has also taken place with users of the service and other key stakeholders. Stakeholders are both internal and external and include Havering Women's Aid, the Joint Commissioning Unit, Community Safety Team, Housing, Adults Social Care, Children's Social Care and the Police.

### **Tender**

A market warming event took place during November and copies of the slides were emailed to the providers who were unable to attend on the day.

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A project team has been established and meets on a monthly basis to review and monitor the progress of the project. Tender submissions will be reviewed by the evaluation panel consisting of members of staff from Housing, community safety, joint commissioning unit.

Key tender milestones:

<b>Milestones</b>	<b>Timescale</b>
Checkpoint 1	January 2018
Non Key ED signed	February 2018
Publish Tender	Mid-March 2018
Award Contract	June 2018
Mobilisation	June -31 <sup>st</sup> August

The tender proposal has recently been approved at checkpoint and a copy of the checkpoint report is attached in background documents.

### **OTHER OPTIONS CONSIDERED AND REJECTED**

1. Extend current provision when current interim contract expires in Aug 2018

Rejected – The service has been extended for the maximum period. A competitive tender process is required to ensure value for money is achieved and a robust service is in place for future.

2. End Domestic Violence provision in the borough.

Rejected - The Housing Act (1996) and Homelessness Act (2002) specify that local authorities have a duty to provide housing advice to anyone who is homeless or threatened with homelessness – the former including those who are living in a refuge.

3. Close one refuge

Rejected –whilst this would provide some additional savings it may also lead to pressure on social care and housing services. Demand for Domestic violence support services is high and the current provider states they turn away approximately 5 women every week who are looking for a refuge provision.

### **PRE-DECISION CONSULTATION**

Consultation with current clients of the refuge and floating support service took place during November. Clients gave their opinion on the current specification and how the service could be developed. All clients felt that they received a good service but suggested changes that could be included in the new specification. We have also consulted with the current provider around the current activities and services which they offer.

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**NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Susan Shepherd

Designation: Commissioner and Project manager

Signature:

A handwritten signature in black ink, appearing to be 'SS' with a horizontal line extending to the right.

Date:25/01/2018

## Part B - Assessment of implications and risks

### LEGAL IMPLICATIONS AND RISKS

Officers seek approval to conduct a competitive tendering process for:

- 1) an accommodation service (by way of 2 refuges) and
- 2) an advice and support service (by way of a floating support service).

The Council has a statutory duty to house anyone who meets criteria set out in Parts 6 and 7 of the Housing Act 1996. In accordance with Section 175, a person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for them to continue to occupy. Furthermore, Section 177 specifies that it is not reasonable for a person to continue to occupy accommodation if it is probable that this will lead to domestic violence or other violence against them. The Council also has a duty to secure that advice and information about homelessness, and the prevention of homelessness, is available free of charge to any person in its district.

The Public Contracts Regulations 2015 require contracts over the relevant financial threshold to be advertised via the Official Journal of the European Union (OJEU), and to be let competitively in accordance with transparent and non-discriminatory criteria.

The Authorised Procurement Officer has confirmed that a support service for victims of domestic violence is classed as a Light Touch Service in Schedule 3 of the Regulations. The relevant financial threshold for services of this nature is £615,278. As aforementioned in the Financial Summary, the total value of this contract is £933.800. Therefore, a Contract Notice must be published in the OJEU as well as an advertisement on Contracts Finder.

Officers intend to use the Open procedure to procure these services. Any tenders received will be evaluated against pre-determined best price-quality ratio of a 70% cost and 30% quality weighting.

The decision to award the contract to the successful tenderer will be a Key Decision due to the level of expenditure the Council will incur.

### FINANCIAL IMPLICATIONS AND RISKS

The proposal to go out to tender with a contract value of £0.233m will be funded from the Strategy and Commissioning cost centre (A34080) within Adults Social Care Directorate, with a budget of £0.243m for 2018/19. The contract is projected to deliver annual savings of £0.010m however, this will not accrue until a full year of operation as the new contract is not expected to commence until September 2018, resulting in only £0.005m being deliverable for 2018/19. Additionally, the current contract is valued at £0.253m, with an underlying annual budget shortfall of £0.010m in 2018/19, prorated to £0.005m for part year operations. Hence, the financial position is expected to be balanced for 2018/19, with the annual savings only materialising in the ensuing financial years commencing 1<sup>st</sup> April 2019 as illustrated in the following table.

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	Period covered	Annual Contract Value £m	Payable In Year (Pro-rata) £m	Annual Budget (Profiled) £m	Deficit/ (Savings) £m
<b>2018/19</b>					
Existing contract	01/04/18 to 31/08/18	0.253	0.127	0.122	(0.005)
New Contract	01/09/18 to 31/03/19	0.233	0.116	0.121	0.005
	<b>2018/19 Total</b>		<b>0.243</b>	<b>0.243</b>	<b>0.000</b>
<b>New Contract - Annual Cost</b>					
<b>2019/20</b>	01/09/18 to 31/03/19	0.233	0.233	0.243	(0.010)

There is minimal risk to the Authority from potential variations in price as this is a fixed price contract however; any request for uplifts in contract costs to account for inflation will be managed as part of the annual budget setting process.

### **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council or its workforce.

TUPE (Transfer of Undertakings (Protection of Employment) Regulations) may apply if the contract is awarded to another provider in which case both providers (new and existing) will need to seek legal advice around the TUPE process.

### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

Equalities data in relation to the clients accessing both the refuge service and the floating support service is received by the project manager on a monthly basis and a draft EIA has been completed.

Although the financial envelope has been reduced for the tender process there will be no impact to clients as the same level of refuge places will remain and floating support service will continue to exist.

Consultation has also taken place with users of the service and other key stakeholders via a focus group. Stakeholders are both internal and external and include Havering Women's Aid, the Joint Commissioning Unit, Community Safety Team, Housing, Adults Social Care, Children's Social Care and the Police.

### **BACKGROUND PAPERS**

None



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**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Proposal agreed

**Details of decision maker**

Signed



Name: Barbara Nicholls

CMT Member title: Director of Adult Services

Date: 14/03/18

**Lodging this notice**

The signed decision notice must be delivered to the proper officer, Andrew Beesley, Head of Democratic Services in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on 14/3/2018

Signed J. J. [Signature]

