

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

17 SEPTEMBER 2019

REPORT OF THE CHIEF EXECUTIVE

SUSPENSION OF COUNCIL'S CONTRACT PROCEDURE RULES AND AWARD OF CONTRACTS FOR DOMESTIC ABUSE SERVICES

1.0 Purpose of report

1.1 The purpose of this report is to seek approval to:

- Continue service delivery of existing domestic abuse services, to allow for regional commissioning options to be fully explored.
- Suspend the relevant parts of the Council's Contract Procedure Rules (CPRs) with regards to the requirement to re-tender the contracts detailed in this report.
- Authorise the Chief Executive Officer to enter into two contracts with the existing provider, Calan DVS until 30th April 2021.

2.0 Connection to corporate improvement objectives/other corporate priorities

2.1 Provision of domestic abuse services assists in the achievement of the following corporate priorities:

- Supporting a successful economy – taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.
- Helping people to be more self-reliant – taking early steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services.
- Smarter use of resources – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

3.0 Background

3.1 Bridgend County Borough Council (BCBC) currently commissions a range of domestic abuse services in line with two separate contracts. One contract is for Integrated Domestic Abuse Services and a second contract is for a Perpetrator Programme. These are detailed below.

- 3.2 **Integrated Domestic Abuse Services** - Following a tender exercise in 2015 BCBC entered into a contract with Calan DVS for the provision of Integrated Domestic Abuse Services. The contract was commissioned for a three year period, with the option to extend for a further period of up to 24 months. Provision includes:
- Womens' refuge
 - Move on accommodation
 - Drop in provision part of BCBC's 'Assia Suite'
 - Floating support
 - Children and Young Persons Service – this element of the service is an annual option. A decision is made by December each year as to whether provision will continue in the following financial year.
- 3.3 The contract commenced on 1st May 2015 and will expire on the 30th April 2020. The option to extend for a further period of up to 24 months has been exercised therefore there is no further option to extend.
- 3.4 Inclusive of the Children and Young Persons Service the current annual contract value is £420,371.45. This contract is primarily funded by BCBC's Housing Support Grant (formerly Supporting People Grant, Homelessness Prevention Grant and Rent Smart Wales Grant). The Social Services and Wellbeing Directorate contribute £17,808 to the Children and Young Persons Service.
- 3.5 Whilst direct support and engagement was much lower in 2018-19 Calan DVS received 1622 referrals for their services in Bridgend. In the same period 340 cases were discussed at the Bridgend Multi Agency Risk Assessment Conference MARAC, BCBC Independent Domestic Violence Advocates (IDVAs) supported 352 individuals at Court and BCBC took 198 homeless presentations from households who were experiencing domestic abuse.
- 3.6 **Perpetrator Programme** – on 30th January 2018 Cabinet authorised the suspension of the Council's CPRs in relation to the requirements to tender a service and authorise the Corporate Director Operational & Partnership Services to enter into a contract with Calan DVS for provision of a Perpetrator Programme. The programme was set up as a pilot programme for an initial 12 month period, with an option to extend for a further period of 12 months. The programme, known as 'Choices' aims to work with perpetrators and families in a safe way, holding perpetrators to account and raise awareness of abusive behaviour.
- 3.7 The contract commenced on 1st February 2018 and will expire on 31st January 2020. The option to extend for a period of 12 months has been exercised and as such there is no further option to extend. The current annual contract value is £85,203. The contract is funded by BCBC's Housing Support Grant.

3.8 A progress report in November 2018 showed that 26 male perpetrators had been referred to the scheme and, of those 26 male perpetrators, 11 have gone on to have 14 sessions, and 11 women (survivors) have received 58 one to one sessions. 100% of males and 100% of the survivors stated that they would recommend the programme to others.

4.0 Current situation/proposal

- 4.1 The Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 aims to improve the public sector response to abuse and violence across Wales. The Act and subsequent commissioning guidance published in 2019 requires Violence against Women, Domestic Abuse and Sexual Violence (“VAWDASV”) regional commissioning partnerships to carry out an assessment of need to inform VAWDASV commissioning strategies. The guidance stresses the importance of needs led, strengths based and accountable VAWDASV services.
- 4.2 As part of Welsh Government’s regional reform process BCBC has been working in collaboration with Merthyr Tydfil County Borough Council and Rhondda Cynon Taf County Borough Council to create a Cwm Taf VAWDASV Steering Group.
- 4.3 In addition, following Bridgend’s health care boundary change to Cwm Taf University Health Board, effective from 1st April 2019, BCBC formally joined the Cwm Taf Regional Collaborative Committee, with regards to the Supporting People Grant, allowing for increased collaboration with partners across the Cwm Taf footprint.
- 4.4 In 2019 BCBC commissioned an independent consultant to undertake a VAWDASV population needs assessment to inform commissioning. The report highlighted a number of gaps in provision, including services for survivors of sexual violence, gender specific provision and services for people with additional needs, including those with mental health and substance misuse issues. A population needs assessment of the Merthyr and Rhondda Cynon Taf areas highlights some common gaps in provision.
- 4.5 Through the Cwm Taf VAWDASV Steering Group there is an opportunity to address these gaps regionally. In order to progress this work there needs to be a further understanding of the strengths and weaknesses of current services, which services should be delivered regionally and jointly agreed service models. Additionally there needs to be agreements with regards to funding streams, budgets, responsibilities and location of services.
- 4.6 BCBC will continue to work collaboratively as part of the Cwm Taf VAWDASV Steering Group to explore options for regional commissioning activity. As part of this work BCBC has commissioned an independent consultant to look at the strengths and weaknesses of existing services. This work is currently ongoing.

- 4.7 It is envisaged that within a period of 12 months the Cwm Taf VAWDASV Steering Group will have made progress with regards to work around regional commissioning and all three Councils will be in a position to make decisions with regards to regional commissioning activity, including identifying where there is an opportunity to develop services regionally and where it is best for services to remain commissioned locally.
- 4.8 It is proposed that whilst regional commissioning options are explored the existing Integrated Domestic Abuse Services and Perpetrator Programme services detailed in Section 3 of this report should continue. As detailed in section 3 of this report, the contracts with Calan DVS are due to come to an end, one on 31st January 2020 and one on 31st April 2020, with no further option to extend. If a tender process was to be undertaken at this stage, it would not be fully informed as to the direction of regional commissioning therefore risking the procurement of less effective services in the long term. In addition, a break in service provision would result in vulnerable people being unsupported, staffing disruption and would result in the Council being unable to fulfil its statutory duties.
- 4.9 It is therefore proposed that Cabinet suspends the relevant parts of the Council's CPRs in respect of re-tendering and agrees to enter into two contracts with the existing provider, Calan DVS, on the current contractual arrangements for both services until 30th April 2021. This will allow for work to be undertaken with regards to regional commissioning options and for commissioning activity to be carried out, whether that ultimately be locally or regionally.
- 4.10 The current funding provided by the Housing Support Grant will continue for both contracts and as is currently the case, a decision will be made on an annual basis as to whether to take up the option for the Children and Young Persons service. Provisions will be included in both contracts to mitigate the risk to BCBC of any reduction in Housing Support Grant funding from Welsh Government. Contract monitoring and operational discussions with Calan DVS will continue during this period to ensure provision is of high quality, meeting existing needs and also to help inform future commissioning.
- 4.11 Cabinet needs to be aware that in awarding these contracts to Calan DVS, the Council is exposed to the risk of potential challenge from other providers of such services. The Council's CPRs ensure that procurement exercises are lawful and carried out in compliance with the Public Contract Regulations 2015 to satisfy EU Treaty principles of transparency, non-discrimination and equal treatment. This report proposes entering into contracts with Calan DVS without any competition. This proposal breaches the requirements of the Public Contract Regulations 2015 and requires Cabinet's approval to set aside the Council's CPRs.
- 4.12 The risk of challenge is not possible to quantify, however given the need to continue service provision to vulnerable people, VAWDASV services support and the need to commission effective services the Council may take the view that the

potential for challenge is one it is prepared to accept. In addition, due to the specialist nature of provision there are relatively limited providers of such services. That being said Cabinet should be aware that this course of action does not comply with the requirements of the Public Contract Regulations 2015.

- 4.13 Should existing domestic abuse services cease, the Council would have to consider its options with regards to recommissioning VAWDASV provision, given that as detailed above further work is required with regards to fully understanding regional commissioning options. This could include recommissioning all services locally, recommissioning some services locally and engaging in regional commissioning work with regards to other services or decommissioning all services when current contractual arrangements detailed above come to an end and then fully engage in all regional commissioning work. It is therefore proposed that there be a continuance of service delivery whilst all regional commissioning options are explored.

5.0 Effect upon policy framework and procedure rules

- 5.1 This report is requesting a suspension of the Council's CPRs, but no amendment to the CPRs is being sought.

6.0 Equality Impact Assessment

- 6.1 An initial screening Equality Impact Assessment has been undertaken for the proposed continuance of existing domestic abuse services and no groups with protected characteristics identified by the Equality Act 2010 are considered to be adversely affected.
- 6.2 A full Equality Impact Assessment will be required to consider the impact on groups with protected characteristics should current service delivery services cease.

7.0 Well-being of Future Generations (Wales) Act 2015 Implications

- 7.1 The report contributes to the following goals within the Wellbeing of Future Generations (Wales) Act 2015:
- A prosperous Wales
 - A resilient Wales
 - A Wales of cohesive communities
 - A globally responsive Wales
- 7.2 The five ways of working have been considered in the preparation of this report and are summarised below:
- Long term – Continued provision will allow for short term needs to be met, whilst BCBC works together with internal and external partners, both locally and regionally for the effective planning of long term provision,
 - Prevention – VAWDASV services are preventative in nature and are designed to reduce the burden on more costly interventions.

- Integration - Provision supports economic, social and cultural outcomes, both at an individual level and in wider communities.
- Collaboration – Approval will allow time for BCBC to effectively engage with internal and external partners on a local and regional basis in a meaningful way.
- Involvement – decisions around commissioning activity, whether at a local or regional level will be achieved through effective partnership working, communication and collaboration.

7.3 It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

8.0 Financial implications

8.1 The current funding, set out in the existing contractual arrangements for both contracts will continue. The current annual value of the Integrated Domestic Abuse Services contract, inclusive of the Children and Young Persons Service is £420,371.45. The current annual value of the Perpetrator Programme is £85,203.

8.2 The funding provided by the Housing Support Grant will continue and a decision will be made on an annual basis as to whether to take up the option for the Children and Young Persons service. Provision will be included in both Contracts to mitigate the risk to the Local Authority of any reduction in Housing Support Grant funding from Welsh Government.

9.0 Recommendation

9.1 It is recommended that Cabinet:

- Approve the continuance of service delivery of the existing Integrated Domestic Abuse Services and the Perpetrator Programme, to allow for regional commissioning options to be fully explored.
- Suspend the relevant parts of the Council's CPRs in respect of the requirement as to re-tendering of the proposed contracts;
- Authorise the Chief Executive Officer to enter into two separate contracts with Calan DVS one for the provision of Integrated Domestic Abuse Services and one for the provision of the Perpetrator Programme until 30th April 2021.

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11th September 2019

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Background documents: None