

Cabinet – 10 February 2021

Extension of the Contract for the Provision of Domestic Abuse Emergency Accommodation Support Service

Portfolio: Councillor Andrew – Deputy Leader, Regeneration

Related portfolios: Councillor Martin – Adult Social Care
Councillor Perry – Deputy Leader, Resilient Communities
Councillor Wilson – Children’s

Service: Money Home Job

Wards: All

Key decision: Yes

Forward plan: Yes

1. Aim

To ensure suitable refuge services are in place to safely house and support victims of domestic abuse (DA).

2. Summary

2.1 The Council has a duty to assist victims of DA. To help deliver these aims, the Council has a contract with Accord Housing Association for the Provision of Domestic Abuse Emergency Accommodation Support Service (the ‘Contract’). This Contract commenced in April 2017, and expires on 31 March 2021, following a two year extension approved by this Cabinet.

2.2 In 2019/20, 83% of households housed through the Contract were from out of borough. It is appropriate for the Council to periodically review the most appropriate way to provide accommodation and support services to victims of DA, and ensure a service that has a focus on assisting victims from within the Walsall borough boundary. Whilst this review is undertaken, authority is sought to extend the Contract for a further six months, to 30 September 2021. The service was not retendered during the existing lifetime of the contract as it has been important to ensure consistency of the DA refuge service, and as such it was unreasonable to expect providers to go through a tendering process during the COVID-19 pandemic period. This is why a further extension has been sought.

2.3 The current Contract was awarded in 2017 as a Major contract under delegated authority by the Executive Director Adult Social Care. However, the previous extension and variation proposals reported to cabinet on 20 March

2019 resulted in the total contract value exceeding £500,000, and it is now a Strategic contract, for which Cabinet approval is required for any further changes.

- 2.4 This is a key decision because it exceeds the threshold for significant expenditure, and affects more than two wards.

3. Recommendations

- 3.1 That Cabinet approve the extension valued at £94,435 of the contract for the Provision of Domestic Abuse Emergency Accommodation Support Service with Accord Housing Association for the period 1 April 2021 to 30 September 2021.
- 3.2 That Cabinet delegates authority to the Executive Director of Children's Services to subsequently authorise the sealing or signing of any associated contracts, deeds or other related documents for the following contracts.
- 3.3 That Cabinet delegates authority to the Executive Director for Children's Services, in consultation with the Portfolio Holder for Regeneration, to authorise any variations to the contractual arrangements for the services identified above, should this be required at any time during the term, in line with Public Contract Regulations 2015 and the Council's Contract Rules.

4. Report detail - know

Context

- 4.1 The Council has a duty to assist victims of DA who are homeless or threatened with homelessness due to this abuse. In addition, the Council will need to make provision for the requirements of the Domestic Abuse Bill, which has an estimated Royal Assent of 31 March 2021. The Council currently contracts with Accord Housing Association to provide a DA24-bed refuge and three dispersed units. This Contract was awarded following the completion of a compliant procurement process to cover the period 1 April 2017 to 31 March 2019. The Contract contained provision to extend for the period 01 April 2019 to 31 March 2020, and to extend for a further 12 months. On 20 March 2019, Cabinet approved extensions to the Contract until 31 March 2021.
- 4.2 This Contract has been funded through existing Public Health Transformation Funds. However, it is proposed that this budget is now part of the Council's savings proposals, and that options for an alternative, more cost effective, and modernised service are considered, following the results of the DA Needs Assessment, which is being carried out by the Communities Directorate. The current service is a significant 'net importer' of DA victims into Walsall, with 83% of the 84 households assisted through the contract in 2019/20 coming from out of Borough. It is of course acknowledged that the nature of DA can result in victims needing to leave the immediate area for their personal safety,

which results in households from out of borough needing to use the refuge. During 2018 to 2020, 66% of the households with a DA need who presented to the Council's Homelessness service, and required help with a place of sanctuary, were housed within Walsall. The 34% of households who were housed out of Walsall went predominantly to Wolverhampton. It is noted that many more households will have presented through Adults, Children's services, and the Police and some of these will have been placed out of borough into a refuge.

- 4.3 The Refuge is not the only emergency accommodation option for DA, and we do also place people in our mainstream temporary accommodation (TA), and also nominate straight into Housing Association tenancies. The TA option has been bolstered during the COVID-19 pandemic, by local housing associations providing dispersed TA, which has primarily been used as a safety net for victims of DA. This is part of our wider work with Housing Associations on piloting a dispersed TA model, that could potentially replace the Council's existing flatted TA blocks.
- 4.4 This emergency DA accommodation support service works alongside a number of other services, including working closely with:
- The Housing Independent Domestic Violence Advocacy (IDVA), which is externally grant funded by the 20/21 Fund for Domestic Abuse Services;
 - Black Country Women's Aid who are commissioned by the Council to provide an IDVA service.

The IDVA services are aimed at working with women to prevent re-victimisation, and ensure safety of their children. We also operate a 'Sanctuary' service, which carries out works to existing properties to help victims of DA to remain there safely.

- 4.5 A further report will be submitted to Cabinet, outlining any future proposals for housing related DA services, following the completion of the DA Needs Assessment.

Council Corporate Plan priorities

- 4.6 The emergency DA accommodation support service will contribute to the Council's priorities as follows:
- Economic growth for all people, communities and businesses – homelessness and lack of access to settled and supported housing remains a key barrier to accessing employment, and so the proposed Service can help increase employment prospects.
 - People have increased independence, improved health and can positively contribute to their communities – preventing homelessness, and advice and support in maintaining a tenancy can promote independence and can improve mental and physical health and wellbeing.

- Communities are prospering and resilient with all housing needs met in safe and healthy places that build a strong sense of belonging and cohesion – ensuring that victims of DA have the right housing to meet their needs, and that they are able to remain in these homes or be rehoused, sustain tenancies and be part of their community.

Risk management

- 4.7 Not extending the Contract, whilst awaiting the results of the DA Needs Assessment and appraising alternative options, could result in vulnerable households not having suitable accommodation and support options.

Financial implications

- 4.8 The six month extension will cost £94,435 and be funded by a non-recurrent Public Health Transformation budget. The annual cost of the Refuge is £188,870, and this has been funded over the lifetime of the original contract by the Public Health Transformation budget that is now part of the overall Council savings proposals. The overall cost of the original contract (from 1 April 2017 to 31 March 2021) is £755,480, and with the addition of this proposed six month extension, covering the period 1 April 2021 to 30 September 2021, the total cost will be £849,915. There is no further funding identified beyond 30 September 2021.

Legal implications

- 4.9 This additional proposed extension was not provided for in the Contract originally. The extension will be implemented in accordance with any legal and/or procurement advice, in a manner that is compliant with the Public Contracts Regulations 2015 and the Council's Contract Rules

Procurement Implications/Social Value

- 4.10 All procurement activity will need to be undertaken in compliance with Public Contract Regulations 2015 (the Regulations) and the Council's Contract Rules. Procurement and legal services will coordinate to ensure that there is a consistency of advice and approach.
- 4.11 As the contract extension options, which were originally available in the Contract, have now been used, in order to extend this contract further it must be modified in line with Regulation 72 of the Regulations. This regulation sets out the scenarios under which contracts, which are subject to the Regulations, can be modified.
- 4.12 Procurement advice has been sought as to whether or not this modification falls under the range of modifications which are permitted by Regulation 72. The main considerations under Regulations 72 (c), are in relation to whether

or not the need for modification has been brought about by circumstances which a diligent contracting authority could not have foreseen (i), whether the modification alters the overall nature of the Contract (ii) and the value of any modification (iii)

- 4.13 Procurement has considered these factors and advice relating to these is summarised below:
- i. Could this need for a modification have been foreseen by a diligent contracting authority – the reason that this modification is required and that a competitive procurement process has not commenced is due to the impact of the COVID-19 pandemic (detailed in 2.2 above), which is a situation which could not have been predicted.
 - ii. Overall nature of the contract – this modification is to extend the services for a period of six months, rather than to materially change the subject matter of the contract.
 - iii. Value – the proposed modification is for £94,435, which is within the limit of 50% of the original contract value (£755,480).
- 4.14 On this basis Procurement has advised that this contract modification would be compliant with Regulation 72 of the Regulations, and the Council's Contract Rules.
- 4.15 Procurement will ensure that all notices are published in order to carry out in line with the Regulations and guidance published by the Cabinet Office.
- 4.16 During the scoping of any benefits, which can be realised through any future commissioning activity, there might be opportunities to implement initiatives that enable benefits to be realised prior to any recommissioning of these services. In these instances, procurement will provide specific advice in relation as to how any additional changes could be implemented in compliance with the Regulations.

Property implications

- 4.17 There are no property implications for the Council.

Health and wellbeing implications

- 4.18 The principles and actions contained within this report are in full accordance with the Marmot objectives. The prevention of homelessness and support to households helps to ensure that individuals have the best environment to maximise their potential. The security of a roof over their head, and associated support, helps provide households with stability to engender a better environment for study, training or employment. Preventing and relieving homelessness contributes to the likelihood of a healthier environment for households to live in.

Staffing implications

- 4.19 There are no direct staffing implications for the Council as all staff engaged in providing the relevant services are employed by Accord Housing Association.

Reducing Inequalities

- 4.20 The implications for reducing inequalities have been taken into account and assessed as set out in a detailed Equality Impact Assessment (EQIA). The EQIA shows positive impacts for certain groups, particularly women, by extending the Contract, and is attached at Appendix A.

Consultation

- 4.21 Consultation has been carried out internally with Adult Social Care, Public Health and Communities Directorates on the proposal, and they are supportive of the extension whilst the DA Needs Assessment is being completed. In addition, the service provider Accord have been consulted and are willing to accept a six month contract extension if offered.

5. Decide

A 'do nothing' option is not seen as viable, on the basis that there would be no refuge provision in Walsall for victims of DA, before the DA Needs assessment is completed and alternative options had been considered. Therefore, it is recommended that a short term six month extension is put in place.

6. Respond

If approved, then the necessary contractual documentation will be completed with the Contract provider (Accord Housing Association), facilitated by the procurement team.

7. Review

Usage and outcomes of the refuge will be monitored, and will be fed into the review of DA services.

Background papers

None

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February Month 2021

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XX Month 2021