

Subject:	Improved Domestic Violence and Sexual Violence Specialist Services from 2015/16 onwards		
Date of Meeting:	22 January 2015		
Report of:	Tom Scanlon		
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Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To obtain the agreement of Policy & Resources Committee to tender for and award a new contract for the supply of a specialist service for victim/survivors of Domestic Violence & Abuse and Rape, Sexual Violence & Abuse, with the aim of bringing together a range of existing services, creating simplified care pathways and reducing duplication. This is in order to better meet the risk posed to, and needs of, victim/survivors and their families in the context of increasing demand.

2. RECOMMENDATIONS:

- 2.1 That the Policy & Resources Committee approves the tendering of a specialist service through a competitive procurement process for a 3 year contract with an option to extend by up to a further two years (at the Council's discretion).
- 2.2 That delegated authority is granted to the Director of Public Health to approve the award of a contract to the successful bidder(s) following recommendations of the tender evaluation panel with an option to extend by up to a further two years.

3. CONTEXT/ BACKGROUND INFORMATION

3.1 Strategic context

- 3.1.1 Brighton & Hove's Violence against Women & Girls (VAWG) Strategy aims to achieve an overarching outcome that residents and communities are free from VAWG crime types¹ by:

- Increasing survivor safety
- Holding perpetrators to account
- Decreasing social tolerance and acceptance
- Increasing people's ability to have safe, equal, violence-free relationships.

¹ VAWG crime types are predominately, but not exclusively, experienced by women and girls reflecting the United Nations (UN) Declaration (1993) on the elimination of violence against women. However, a VAWG approach includes working with men and boys who experience domestic violence & abuse, as well as rape and sexual violence & abuse. This work includes identifying how to provide help and support, proportionate to need.

- 3.1.2 Domestic Violence & Abuse and Rape, Sexual Violence & Abuse are priorities within this strategy. This reflects both the prevalence of these crime types in the city (almost 4,000 domestic violence & abuse (DVA) crimes and incidents were reported to the Police in 2013/14, and nearly 400 recorded sexual offences), as well as a trend of increased reporting (there has been a 22% increase in DVA crimes and incidents in the first 6 months of the 14/15 financial year compared to the same period in 13/14. The increase in sexual offences in the same period is 35%).
- 3.1.3 This increase in reporting has a direct impact on specialist services (see 3.2 below), which have seen a corresponding increase in demand.
- 3.1.4 These crime types can have a significant impact on victim/survivors, their children and the wider community. Impacts can include: physical injury, as well as the impact on mental and emotional wellbeing, employment and education, social capital, health, behaviours and homelessness. There can also be longer term impacts such as poor school achievement, reduced economic prospects, behavioural problems, substance abuse, poor mental, sexual or physical health, and the risk of further violence.
- 3.1.5 These crime types have a significant financial cost: The individual, economic and social cost of domestic and sexual violence and abuse to the city is estimated to be at least £143 million per annum.

3.2 Current contracts and provision

- 3.2.1 Specialist services are a key feature of a Coordinated Community Response. They are identified as a best practice intervention in national guidance. They are also a way to achieve the outcomes victim/survivors want and to secure both Added and Social Value.
- 3.2.2 The importance of specialist services has been recognised by the Council. The current model of provision is delivered by specialist providers who have been grant funded to deliver interventions that support the safety and recovery journey of victim/survivors and their families.
- 3.2.3 RISE is funded to provide specialist Domestic Violence & Abuse services. Funding was originally by way of a grant allocation from the Partnership Community Safety budget. Over time, the range of services has extended and been formalised within contractual arrangements. The current range of services delivered by RISE include:
- Independent Domestic Violence Advisor (IDVA) service: for victim/survivors who are at high risk of harm, with the aim of securing their safety and the safety of their children
 - Crisis service (including the Helpline): a key point of access for victim/survivors, their friends and families, and for professionals seeking information and support about domestic violence
 - The Prevention and Recovery service: provision of information, advice, advocacy, practical and emotional support for women, children and young people living in the community, in refuge or who are resettling.

3.2.4 In addition, RISE:

- Provides an accessible, safe Refuge and Support service for women and children (to 18 years) (This is provided through Housing Support and funding will transfer into the pooled budget as part of the development of the future model of service provision, sustaining existing Refuge provision. See 3.4.4 below)
- Receives additional funding from other statutory services to provide a number of other specific interventions which are delivered as part of the contract.

3.2.5 Survivors' Network is funded to provide specialist Rape and Sexual Violence & Abuse services. Funding was renewed in October 2013 as part of a joint commissioning arrangement pilot with East Sussex County Council who contributed to the funding for this contract. The contract consists of the following services:

- Independent Sexual Violence Advisor (ISVA) for victims/survivors of rape or sexual assault in Brighton & Hove, principally as a key aftercare component of the Sussex Sexual Assault Referral Centre (SARC)
- Counselling provision.

3.2.6 The current contracts with RISE and Survivors' Network have been extended for six (6) months to 30th September 2015 by virtue of a waiver in order to align these contracts with the proposed start date for the specialist services as outlined in this report.

3.3 The case for change

3.3.1 The current model of provision as described in 3.2 has evolved over time, in an ad hoc way, in response to particular funding streams (some of which are no longer available) and different needs and issues.

3.3.2 Individuals who are able to access interventions from local specialist services receive a good level of care. These services also have a record of working to develop the interventions that are available.

3.3.3 However, the current model of provision as a whole is not sufficiently robust. In particular, it does not enable the capability, capacity or flexibility within specialist services to respond to the pressure of increasing demand while ensuring consistent support for the recovery journey of victim/survivors. There are also gaps in provision. Specific issues include:

- Complex care pathways within services: This impacts on the experience of victims/survivors, who often need to engage with multiple workers (particularly where their risks and needs change). This is driven by the evolved shape of services rather than what would best meet a victim/survivor's needs
- Complex care pathways between services: This impacts on the experience of victim/survivors who are often referred between services, for example, someone who experienced rape or sexual assault in their intimate relationship may be supported by RISE and Survivors' Network rather than having a single key worker who can manage these needs holistically

- Limited capacity to support victim/survivors who are not at immediate risk: Provision is focused at those who are at highest risk, which limits the provision for those other victim/survivors who may have significant needs and for whom earlier intervention may be effective
- Limited capacity to consistently deliver interventions to children or young people: local residents are unable to access a consistent programme of interventions; for instance, recovery interventions to support a non-abusive parent and their children. This is particularly significant given the impact of these crime types; in 50% of cases DVA is identified as a factor in children being 'looked after'
- Absence of specialist provision for victim/survivors from Black Minority Ethnic (BME) communities: This is despite evidence which identifies both a need for specialist provision and the importance of specific capacity to deliver this
- Absence of specialist provision for heterosexual men: This is despite evidence which identifies both a need for specialist provision and the importance of specific capacity to deliver this (although because significantly fewer men are affected than women this capacity should be proportionate to relative need)
- Limited capacity to engage with emerging partnership approaches: This includes delivering interventions within, or aligned to, partnership initiatives such as the Multi-Agency Safeguarding Hub (MASH) and Early Help Hub.

3.3.4 Consequently there is a strong case for change, in order to achieve a future model of service provision to better enable the recovery journey of victim/survivors. Any future model of service provision should seek to achieve a 'one stop shop' or 'hub' offer which is able to balance the need for prevention against provision for the riskiest cases. The Council needs to ensure that there are primary, secondary and tertiary prevention activities across the city, based on the best available evidence. Most importantly, the Council needs to address the outcomes victim/survivors want and ensure that any approach is able to achieve both Added and Social Value. A future model of service provision must:

- Create a single point of access which is easier for victim/survivors and their families to access, supported by a recognisable service identify and simplified care pathways
- Manage increasing demand, making the most effective use of resources
- Sustain capacity for women, who constitute the majority of victim/survivors, within the context of women only provision. This reflects service user consultation, which routinely identifies the value of support that provides safe, separate women only spaces
- Sustain existing specialist capacity for Lesbian, Gay, Bisexual (LGB) and Trans (T) communities

- Develop specialist capacity to support victim/survivors with specific needs, including those from Black Minority Ethnic (BME) communities and heterosexual men
- Achieve more consistent provision for victim/survivors, including access to longer term interventions to support prevention and recovery
- Achieve increased capacity to support effective responses by other providers as part of a broader range of integrated provision, including responses to other VAWG crime types, e.g. Stalking, Harassment and Harmful Practices such as Forced Marriage, 'Honour' Based Violence and Female Genital Mutilation.

3.3.5 In addition, a future model of service provision presents opportunities to realise economies of scale and ensure Value for Money, including:

- Reduced duplication and inefficiencies between service providers within a single commission - for example, there are currently two helplines in the city - thereby increasing opportunities for cost savings which can be reinvested into the service (see 3.4.5)
- Undertaking a joint commission with East Sussex to realise economies of scale; this will also leverage additional investment from the Office of the Police & Crime Commissioner who are supportive of a consistent service offer across Sussex (see 3.4.6 to 3.4.8).

3.3.6 There are no immediate savings envisaged; the priority is to sustain existing levels of investment overall, with this directed to support the aims outlined above, as well as better enable the Council to train front line staff to identify, assess and respond to Domestic Violence & Abuse and Rape, Sexual Violence & Abuse (see 3.4.5).

3.4 Proposed joint commissioning arrangements 2015/16 onwards

3.4.1 The development of a future model of service provision has been managed via the VAWG Commissioning Group. In addition to key stakeholders from within the city, the Group includes representation from the Office of the Police & Crime Commissioner.

3.4.2 It is recommended that the Council procure the future model of service provision through a competitive tender process. A competitive tender is a clear way to ensure that the EU requirements are satisfied, maximise the possible solutions to the specification and deliver the changes that are required to move to a single specialist service. In addition, the proposed contract term is for a maximum of 5 years (3 years with the possibility of an extension of up to 2 years at the council's discretion).

3.4.3 A competitive tender process is the recommended approach as it will achieve the best outcomes for victim/survivors, meet EU requirements and assure the successful provider(s) the longest contract period. This is the option that will secure the stability of the specialist provision in the long term.

Brighton & Hove City Council

3.4.4 It is proposed that the procurement of community based interventions, prevention and recovery services and refuge provision for victim/survivors of domestic and sexual violence is from a pooled budget incorporating existing allocations. These are currently commissioned by Partnership Community Safety and Housing Support, with adjustments for 2015/16 onwards:

BHCC Partnership Community Safety	£190,820	Community based interventions for domestic violence (joint commission)
	£65,014	Community based interventions for sexual violence (joint commission)
	£185,806	Prevention and recovery services (BHCC only)
BHCC Housing Support	Approx. £200,000	Refuge provision (BHCC only)
BHCC Children Services	£28,400	Living without Violence Women's Support Worker (BHCC only)
	£15,400	Break for Change (BHCC only)
BHCC Public Health	TBC	Preventative Education (BHCC only)

3.4.5 It is proposed that responsibility for counselling and psychotherapy provision, which are currently met by Partnership Community Safety allocations, be transferred to Brighton & Hove Clinical Commissioning Group. This has been agreed in principle and a transfer will enable a more consistent care pathway, as well as ensuring that interventions are sited within an appropriate clinical governance structure. It is proposed that any savings achieved by Partnership Community Safety as a result of this transfer will be reinvested in prevention and recovery services and to support a training function, both of which have been identified as a priority by the VAWG Commissioning Group.

Other contributions from stakeholders

3.4.6 It is proposed that from 2015/16, additional contributions will be included in the pooled budget totalling an estimated £190,000 (potentially increasing to £230,000), incorporating functions that are currently commissioned by other partners:

- Brighton & Hove Clinical Commissioning Group (BHCC only)
- Community Rehabilitation Company (BHCC, potentially ESCC)
- Sussex Police & Crime Commissioner (supporting the joint commission, specifically to deliver criminal justice interventions).

East Sussex County Council

3.4.7 It is proposed that the procurement of community based interventions for victim/survivors be undertaken jointly with East Sussex County Council (prevention and recovery services and refuge interventions would continue to be procured by the Brighton & Hove City Council alone). This reflects the successful delivery of a previous joint commission for sexual violence services (see 3.2.5 above) and also offers the potential to realise economies of scale. Any joint

commission will include arrangements for managing relative / changing demand for each authority area.

3.4.8 Allocations from East Sussex have already been agreed by the East Sussex Safer Communities Partnership Resources and Performance Committee:

Safer in East Sussex	£185,000	Community based interventions for medium and high risk DV victims (joint commission)
ESCC Public Health	£45,000 (potentially £57,500)	Community based interventions for medium and high risk SV victims (joint commission)

3.4.9 Although it is too early to evaluate the impact of the future model, it is of note that the approach has been subject to the attention from other commissioners. For example, it has been used by the South Wales Police & Crime Commissioner in the development of a draft specification, which is designed to support the development of joint commissioning and local and regional voluntary and community sector consortia in that region.

3.5 Proposed Procurement Processes

3.5.1 The procurement process will run from January 2015 to July 2015 and will be managed electronically through EU-Supply.

3.5.2 Tenders will be appraised against assessment criteria, which will ask providers(s) to set out how they would manage the service, as well as their track record in delivery and their experience of bringing both Added and Social Value. Following appraisal, it is proposed that the contract will be evaluated and awarded on the basis of:

- Quality (70%), Cost (30%).

3.5.3 Tender applications will be assessed by an evaluation panel comprised of the following officers:

- Brighton and Hove City Council (Community Safety Commissioner, Housing Related Support representative, Children Service representative)
- Voluntary and Community Sector representative
- Sussex Police representative
- Office of the Police & Crime Commissioner representative
- East Sussex County Council (Adult Assessment and Care Management, Safer East Sussex, Children's Services representatives).

3.5.4 Commissioning a new service will result in a TUPE event (Transfer of Undertakings Protection of Employment Regulations). A TUPE event occurs where a 'distinct undertaking' (e.g. work location or work unit etc) changes contract and ownership. TUPE will see relevant staff, jobs and employment transfer to the new provider on the same terms and conditions as their current employment. Prospective tenderers will be notified of this consideration and all necessary processes will be undertaken to comply with the legislative requirements.

3.5.5 One Brighton & Hove City Council employee in Children's Services will be potentially subject to TUPE transfer in the event that the service transfers to a new provider.

3.6 Outcomes and value

3.6.1 The proposed approach for a future model of service provision is an opportunity to attain contractual coherence that will allow a strong, sustainable specialist service and identify best Value for Money, with recognition of the importance of any future provider(s) being able to evidence Added and Social Value, as well as having a track record of delivery.

3.6.2 The tendering process will focus on quality and cost and will ensure the provision of services to all eligible service user groups in the city as identified in the specification. As a result victim/survivors of the specified crime types will have access to a care package that will support them to cope with the immediate impact of violence and abuse, recover in the longer term and move through a process of change, helping them to become independent of specialist services.

3.6.3 The tendering process will also achieve a sustainable, coherent package of support for non-abusive adults and their children.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 The Council currently has two contracts with providers of specialist services. As both are due to end, it is timely to commission a single service. This approach and intention has been developed and supported by the Safe in the City Partnership Board and the VAWG Programme Board.

4.2 It was suggested that, instead of a competitive tender process, a direct grant or negotiated procedure be undertaken with the current providers. This is not recommended as the Council currently funds two providers (with East Sussex funding a third) and the Council is seeking to achieve a single specialist service. In addition, it is not likely that the extent of change the Council is seeking to achieve can be delivered through a service re-design.

- 4.3 It was suggested that the service be reserved (applicable to social, health and educational services only) to certain not for profit organisations instead of undertaking a competitive tender process. The new Procurement Regulations will permit the reservation of contracts for social, health and educational services to certain not for profit organisations, but this does not exempt these contracts from the application of the Regulations; it simply limits the type of provider that may apply to take part in the competition for the contract. The criteria for these organisations are restrictive and may actually reduce the market further; as a result, limiting the market in this way will cause a reduction of competitive pressure. In addition, contracts awarded following this restricted process can only be awarded for a maximum of 3 years. The Council would still need to tender for these services in the open market after that 3 year period. This would impact on provider(s) as the actual procurement process would have to start at least 18 months before the contract end date i.e. in year 2 of any future contract. It would also impact on the Council's ability to evaluate the outcomes of the future model as this process would have to start before there is sufficient evidence to evaluate the change achieved.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 A number of consultations have taken place, including the Domestic Violence Needs Assessment in 2011 as well as a VAWG Equality Impact Assessment in 2014.
- 5.2 Specific consultations have taken place as part of the development of the commissioning approach, including with stakeholders in January 2014 and a number of further events with service users which have been organised via local voluntary and community sector providers.
- 5.3 In addition to local consultations, national specialist services that support the development of the voluntary and community sector response have been consulted (CAADA, Imkaan, Rape Crisis and Women's Aid).
- 5.4 If the Committee agrees to recommendations, further work will be undertaken with Procurement in order to identify, engage and consult with stakeholders as appropriate. This will seek to include residents and service users in the tender evaluation process, as well as a voluntary and community service representative, to promote effective representation of communities in the decision making process.

6. CONCLUSION

- 6.1 Tendering for the supply of a specialist service for victim/survivors of Domestic Violence & Abuse and Rape, Sexual Violence & Abuse will allow the merger of the contracts currently held in a transparent manner, respecting the principles of equality in market competition.
- 6.2 Following tendering, the resulting contract will allow the growth and development of a strong provider in the city. This will allow further development of responses to these crime types in the context of the wider VAWG strategy.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The proposed contract arrangements are expected to deliver economies of scale and improve Value for Money. Total Brighton & Hove City Council spend (direct and jointly through the community partnership) on these services is approx. £875,000. East Sussex County Council has confirmed their allocation of £230,000 to the joint procurement of community based interventions.
- 7.2 The tenders will be evaluated against quality and cost criteria and must be delivered within the existing budget allocations, there may be potential to drive out cost savings over the three year contract.
- 7.3 The future service model will require performance monitoring to ensure that outcomes are delivered and value for money is being delivered.

Finance Officer Consulted: Anne Silley

Date: 12/12/14

Legal Implications:

- 7.4 Local authorities have various statutory obligations in relation to victim/survivors of Domestic Violence & Abuse and Rape, Sexual Violence & Abuse and the services to be procured will enable the Council to fulfil its obligations in this respect. The proposal is to procure a specialist service from a body external to the Council.
- 7.5 The procurement will be undertaken jointly with East Sussex County Council (ESCC). The Council is permitted to undertake joint procurement with other authorities. The terms of the joint procurement with ESCC will be set out in a Memorandum of Understanding, the terms of which are currently being settled. The terms of the contract or contracts awarded will need to reflect the MOU.
- 7.6 The procurement of this service will involve the award of a public services contract as defined by the Public Contract Regulations 2006. These Regulations are currently being revised by the UK Government to reflect changes in the EU Procurement Directive agreed in March 2014. These changes need to be transposed into UK law by 2016 however the UK Government has announced an intention to introduce the changes at the earliest opportunity. Consultation on the new UK Regulations concluded in October 2014 and it is anticipated that the new Regulations will be laid before Parliament early in 2015, and brought into force by 1 April 2015. For the purposes of this procurement, a presumption has been made that the new Regulations will apply. If this is not correct, the procedure being recommended will nevertheless comply with the current legal obligations in relation to the procurement of services of this nature.
- 7.7 Given the proposed annual spend (at least £870,820) on this service, the contract will need to be advertised, and awarded by following a process that is fair and transparent, and which does not discriminate against potential providers. The procurement process outlined in paragraph satisfies these requirements.

- 7.8 As outlined in paragraph 4.3, the new Regulations permit the restriction of the competition to certain not for profit organisations, but this has an impact on the term of the contract, and would require the successful bidder to compete in an open competition at the expiration of the three year term.
- 7.9 Given the value of the proposed contract, it will need to be executed as a Deed, in a form approved by the Head of Law.

Lawyer Consulted: Jill Whittaker

Date: 10/12/14

Equalities Implications:

- 7.10 An Equalities Impact Assessment (EIA) has already been carried out covering the scope of the proposed service, as part of the development of the wider VAWG action plan. This EIA is a live document that will cover all areas of the project.

Sustainability Implications:

- 7.11 The service will be built around a recovery model, with implications for sustainability including support for victim/survivors in achieving Safety, Health & Happiness: Encouraging active, sociable, meaningful lives to promote good health and wellbeing.

Any Other Significant Implications:

- 7.12 The specialist service that will operate across the city and, to an extent, in East and pan-Sussex is an essential service in supporting people and their children who have experienced the specified crime types. It will contribute to wider outcomes in relation to families (including children known to Children's Services) and resettlement (including in relation to housing and homelessness).

SUPPORTING DOCUMENTATION

Appendices: None

