

CABINET

24 OCTOBER 2023

GATEWAY 1 PROCUREMENT COMMENCEMENT: MEDWAY DOMESTIC ABUSE SERVICE

Portfolio Holder: Councillor Teresa Murray, Deputy Leader of the Council

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Manager

Procurement Overview

Total Contract Value (estimated): £1,153,500

Regulated Procurement: Yes

Proposed Contract Term: 5 (3+2)

Summary

This report requests the Cabinet's agreement to commence the procurement of the Medway Domestic Abuse Service contract.

1. Recommendation

1.1. The Cabinet is recommended to approve commencement of the procurement of the Medway Domestic Abuse Service contract as per the option identified in paragraph 6.2.1.4.

2. Suggested reasons for decision

2.1. There is ongoing need for a domestic abuse support service and the community based IDVA service also supports the requirements set out within the Domestic Abuse Act 2021.

3. Budget and policy framework

3.1. Funding for the specialist domestic abuse service is pooled. Around 55% is Public Health Grant, 20% is from the Integrated Care Board, 13% from Children's Social Care and the rest is from housing. The service is informed nationally by strategies and legislation, such as the Tackling Violence Against Women and Girls Strategy (VAWG), the Domestic Abuse Act 2021 and The Women's Health Strategy for England 2022.

- 3.2. There is a statutory duty under Part 4 of the Domestic Abuse Act 2021 for local authorities to complete a needs assessment and have a strategy in relation to the provision of safe and relevant accommodation. Whilst the duty is in relation to housing, the upcoming Kent and Medway Domestic Abuse Strategy 2024-2029 is a partnership document that also outlines Medway's ambitions in relation to delivering community-based support and this includes the continuation of commissioning Independent Domestic Violence Advisor (IDVA) based support.
- 3.3. Funding for the implementation of Part 4, is allocated by Department for Levelling up, Housing and Communities (DLUHC) under the New Burdens Fund, and this is managed by the Strategic Housing and Partnerships team in Medway Council. Roles commissioned via this fund are specific to the implementation of Part 4 and work alongside the core domestic abuse community-based support contract commissioned by Public Health; Medway Domestic Abuse Service (MDAS).
4. Background Information and Procurement Deliverables
 - 4.1. The MDAS contract is a community-based support service consisting of Independent Domestic Violence Advisors (IDVAs), who work to increase the safety and reduce the risk posed to victims of domestic abuse and their children, by perpetrators of abuse. The service provides practical and emotional support, advocacy, and represents the voice of the victim at multi-agency meetings.
 - 4.2. The service will provide telephone and face to face support to all victims of domestic abuse aged 16 and above, and via the use of risk assessments and professional judgement, those identified as being at medium or high risk of significant harm or homicide, whilst recognising the fluctuations in risk that can occur.
 - 4.3. The contract will deliver support to all members of the community and will be expected to increase engagement with the service where this is lower than expected when compared to Medway's demographic. It will link in with the existing services commissioned via Medway's Housing team and will support the statutory duty of Part 4 of the Domestic Abuse Act 2021, by assisting their clients and their children to access safe and relevant accommodation, either in Medway or in another area.
 - 4.4. The service will form part of a multi-agency response working to reduce the prevalence and severity of domestic abuse and will work closely with key agencies to advocate for victims of domestic abuse and their families. The service will be expected to ensure all staff are trained to work with clients who may face additional barriers when accessing support. The provider should work alongside specialist by and for services operating within Medway and will ensure clients have the option to access the services that they feel best meet their individual needs.

- 4.5. The provider will also be expected to deliver other forms of support services, for example, by being attendees of the Domestic Abuse One Stop Shop, a drop-in service with support from multiple partners, and via the delivery of group support sessions such as the Freedom Programme (or other similar group support sessions), a specialist awareness raising, and recovery programme aimed at those who have experienced domestic abuse.
- 4.6. The provider will be expected to arrange for the IDVAs to have co-locations within community settings such as children's social care, police stations and be able to provide specialist support to key partners in cases involving domestic abuse. The service will be expected to build on relationships with partners who offer support to clients facing multiple disadvantage, such as mental health services and substance use services to improve the outcomes for this client group.
- 4.7. The service will also deliver training and awareness raising sessions on the subject of domestic abuse, to partners across Medway in order to improve the system wide response and confidence in identifying both victims/survivors and those using abusive behaviours.
- 4.8. Parent Company Guarantee/Performance Bond is not required.

5. Procurement Dependencies and Obligations

5.1. Project Dependency

- 5.1.1. The project is stand alone; however, it does support projects/programmes delivered by Housing in relation to safe and relevant accommodation highlighted in 5.2.1.

5.2. Statutory/Legal Obligations

- 5.2.1. There is no statutory duty in relation to the commissioning of community-based support for domestic abuse, however this contract does support the requirements set out for local authorities in Part 4 of the Domestic Abuse Act 2021, to provide victims and their children with safe and relevant accommodation. This duty sits with the Housing team within Medway Council, and from the allocated DLUHC grant, they commission several programmes, such as refuge, dispersed housing and a specialist Access IDVA, who works to provide IDVA based support to those facing multiple and complex barriers, when accessing safe accommodation. The MDAS contract will work alongside these commissioned services to ensure that victims wanting to access safe accommodation are linked in with the relevant support services.

5.3. Procurement Project Management

5.3.1. The management of this procurement process will be the responsibility of the Category Management team.

5.4. Post Procurement Contract Management

5.4.1. The management of any subsequent contract will be the responsibility of the Health Improvement Programme Manager.

5.4.2. To ensure the needs of the requirement are met and continuously fulfilled post award, the following KPIs will be included in the tender and will form part of any subsequent contract.

#	Title	Short Description	%/measurement criteria
1	Engagement/ Uptake of service	Victims of domestic abuse receive timely support from the point of referral into the support service. Their needs are identified, and risk assessments are completed at the earliest opportunity.	Number of referrals Number of clients who receive support/take up of service
2	Risk reduction and feelings of safety	Those accessing the service feel safer and experience a reduction in risk posed to them by the perpetrator/s. Risk is assessed regularly throughout their time in service, and changes in risk are monitored to ensure the relevant safety planning and referrals into MARAC are completed.	Reduction in risk measured via risk assessments, professional judgement and the victim/survivor's own feelings of safety.
3	Outcomes for children experiencing domestic abuse	Children experiencing domestic abuse within their homes, feel safer and there's an improvement in their well-being.	Number of referrals into support services for children Number of MASH and SPA referrals Recorded improvement in children's safety Evidence of positive impact on children's wellbeing following support delivered to their parent/carer Number of children supported to access safe and relevant accommodation

#	Title	Short Description	%/measurement criteria
4	Statutory duty involving safe accommodation	Clients are supported to remain safely in their homes or access safe and relevant accommodation.	Number of clients supported to access safe and relevant accommodation Number of referrals into the Housing Options Domestic Abuse Officer Number of referrals into the sanctuary scheme Number of referrals into dispersed accommodation
5	Health Outcomes	Those experiencing domestic abuse are supported to live healthy lives.	Number of referrals into substance use services Number of clients signposted to Sexual Health Services Number of referrals into mental health services Number of clients signposted to their GPs
6	Perpetrators	Perpetrators of abuse are prevented from causing further harm and or escalation in their behaviour is disrupted. Through referrals into multi-agency meetings and panels, abusive behaviours are interrupted.	Number of referrals into multi-agency meetings including MARAC (multi-agency risk assessment conference) Reduction in victims risk Cessation of abuse Number of clients supported to obtain civil orders

6. Market Conditions and Procurement Approach

6.1. Market Conditions

6.1.1. There are limited number of providers delivering community-based support across Medway, however there are some other providers within Kent who may consider the contract. For the existing contract, when out to tender, only 2 providers entered bids. Medway receives a higher number of referrals than other areas across Kent and this does place additional pressures on the service.

6.2. Procurement Options

6.2.1. The following is a detailed list of options considered and analysed for this report:

6.2.1.1. **Option 1 – Do nothing:** There would be significant risk of serious harm or homicide if a domestic abuse support service is not commissioned. The service also supports the work being carried

under Part 4 of the Domestic Abuse Act 2021 which related to the statutory duty placed on Local Authorities

- 6.2.1.2. **Option 2 – Extend the current contract:** There are no further extensions available as part of the contract. Therefore this option would need a legal mechanism to enable additional extensions.
- 6.2.1.3. **Option 3 – Utilise a framework:** Medway Council does not currently have a framework in place which would cover this service and therefore a framework would need to be established. A framework approach, where support is purchased as needed, is likely to result in a fragmented service with no single organisation with overall monitoring of need and impact.
- 6.2.1.4. **Option 4 – Open market procurement:** There is a robust specification in place for this service and it is currently delivering an established model. Open procurement will enable service continuity in line with Public Contract laws and the Council's STO and contract procedures. Open procurement will be available to all potential providers, including new entrants to the market.
- 6.2.1.5. **Option 5 – Joint commissioning with Housing:** While both Housing and the wider council both procure IDVA services. There is a misalignment between the contract lengths and the outputs required by different funding streams. Many of the contracts under the New Burdens fund which Housing receive are short term contracts due to the uncertainty around the continuation of funds from DLUHC. This is likely to result in regular contract variations and service re-designs as funding changed. If longer term funding options become available to Housing, joint funding opportunities can be considered in the future.

6.3. Advice and analysis

- 6.3.1. The preferred option is to proceed with option 4, an open market procedure.
- 6.3.2. It is recommended that the contract length be a 3-year term with the option to extend for 2 years by mutual agreement.

6.4. Evaluation Criteria

- 6.4.1. Quality 80% : 20% Price. The rationale for this is that the funding offered for this contract is limited, however, due to the nature of the service and risk involved to service users, quality of service is imperative.
- 6.4.2. Officers propose to evaluate bidders against the following quality criteria within the tender.

#	Question	Weighting (%)	Purpose
1	Service model and experience of working with victims of domestic abuse	30%	Experience of working with the cohort and has the relevant experience and resources to deliver the service.
2	Management and Staff	15%	Ability to successfully recruit, train and retain staff to deliver the service.
3	Mobilisation	10%	Evidence that the provider has suitable mobilisation plans to reduce disruption to clients accessing the current service.
4	Partnership Working	10%	Knowledge of statutory and non-statutory partners, across Medway that the service will need to work alongside.
5	Safeguarding	15%	Clear Safeguarding procedures, and understanding of the needs of those experiencing domestic abuse, particularly those facing multiple barriers, such as mental health and substance use, when accessing support.
6	Value for Money	20%	The service will be required to secure additional funds to support the delivery of this contract.

7. Risk Management

Risk	Description	Action to avoid or mitigate risk	Risk rating
Inflation impacts on the numbers of people able to be seen within contract value.	The funding allocated for the contract remains the same and no further funding is due to be allocated to support the contract despite an increase in referrals into the service.	Funding via other commissioning routes such as allocation to Housing to support with Part 4, and the PCC have been explored and have been agreed. These are however, temporary, short term contracts.	A3

Risk	Description	Action to avoid or mitigate risk	Risk rating
Demand outweighs current staffing and support offer and there is an increased risk of a domestic homicide.	Referrals and caseloads for workers increase. Caseloads are unmanageable and the support offer is affected. Lack of support available for victim/survivors in crisis could result in a DHR.	Alternative funding streams have been explored and capacity will need to be built into the contract via additional funding sources. This is stated clearly in the contract. The contract states that the service will need to provide robust case management reviews with staff to effectively manage caseloads.	A2
Low numbers of providers bid for the contract.	There is a limited pool of providers in this area, and limited funds available for the contract may result in less competition.	Commissioners will hold market engagement event and encourage opportunities to attract additional contracts or funding.	B3
Existing service is de-stabilised if a new provider is awarded the contract	If the incumbent provider is unsuccessful there will be a transfer period, whilst new service is mobilised, and this will cause destabilisation of current contract.	Questions on agencies' mobilisation and implementation plan are part of the bid evaluation process. Commissioners will oversee this process to ensure smooth transition.	A3

Likelihood	Impact:
A Very likely B Likely C Unlikely D Rare	I Catastrophic II Major III Moderate IV Minor

8. Consultation

- 8.1. External consultation has taken place with strategic and front-line partners and those with lived experience. Internal consultation has taken place with key internal partners, such as Housing and Children's Social Care. The feedback has resulted in changes to KPI's and a greater focus on being co-located alongside key partners. This work

has fed into a Health Needs Assessment for domestic abuse which also helped to inform this contract. Given the fund available for this contract, it does place limitations on the changes available to the contract.

9. Service Implications

9.1. Financial Implications

9.1.1. The procurement requirement and its associated delivery as per the recommendations will be funded from existing revenue budgets, which include a contribution from the Better Care Fund.

9.2. Legal Implications

9.2.1. The contract value is above the financial threshold set out under the public procurement regime, and so the Public Contracts Regulations 2015 (as amended) (“the Regulations”) require that the works be advertised via Find a Tender or that an existing framework agreement let through an compliant procurement process be used.

9.2.2. The procurement process proposed in this instance complies with the requirements of the Regulations and that of the public procurement regime.

9.2.3. The proposed procedure gives a high degree of confidence that the Council’s primary objectives for procurement are met, as required by the Council’s Contract Procedure Rules (“the CPRs”).

9.3. TUPE Implications

9.3.1. TUPE is likely to apply if a different provider is selected for the new contract. This will impact 5x Full Time IDVA and 1x Service Manager.

9.4. Procurement Implications

9.4.1. Officers will do a pre-market engagement. The recommendation will allow the most flexible means of ensuring the various interventions can be made available when required and provides sufficient confidence that the grant allocation can be fully delivered.

9.5. ICT Implications

9.5.1. N/A

9.6. Climate Change implications

9.6.1. None

10. Social, Economic and Environmental Considerations

10.1. Officers propose the following social value considerations will be given to the tender:

10.1.1. Jobs: Promote Local Skills and Employment.

10.1.2. Social: Healthier, safer more resilient communities.

10.1.3. Environment: Decarbonising and Safeguarding our world.

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Appendices

None

Background Papers

[Domestic Abuse Act 2021](#)