

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:

4136

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Subject:

Capacity Building Funding for new statutory duty arising from the Domestic Abuse Bill 2020

Total Value:

£50,000 (Type: Revenue)

Decision Being Taken:

1. To approve the receipt of £50,000 capacity building funding from the Ministry of Housing, Communities and Local Government (MHCLG) for capacity building work around the new statutory duty around accommodation-based domestic and sexual abuse support services. 2. To approve going out for quotations for a specialist consultant at a maximum cost of £15,000. 3. To delegate authority to the Strategic Director of Community Protection to award the contract for a specialist consultant at a maximum cost of £15,000. 4. To delegate authority to the Strategic Director of Community Protection to spend the remainder of the funding of the recommendations made by the specialist consultant. 5. To delegate authority to the Strategic Director of Community Protection to sign all agreements arising from the expenditure of this funding.

**Reasons for the Decision(s)**

The Domestic Abuse Bill 2020 is expected to establish a new statutory duty on first tier local authorities from April 2021, requiring provision of accommodation-based domestic and sexual violence and abuse (DSVA) support services. A £6 million capacity building fund has been set up to assist authorities to undertake early planning and preparation work, prior to the implementation of the bill. Funding has been allocated equally across first tier authorities in England, at £50,000 each. The Bill defines the new statutory duty in four parts: 1) A duty to convene a multi-agency DSVAs Local Partnership Board (LPB), with the following functions: a. Assess need and demand for accommodation-based support for all survivors and their children, including those requiring cross-border support; b. Develop and publish strategies for provision of support to cover the locality and diverse groups of survivors; c. Make commissioning/ de-commissioning decisions; d. Meet the support needs of survivors and their children; e. Monitor and evaluate local delivery; and f. Report back to central government. 2) A duty for lead authorities to have regard to statutory guidance in exercising these functions; 3) A duty on the Secretary of State to produce the statutory guidance; and 4) A duty on second-tier district, borough, city and London Borough councils to co-operate with DSVAs LPBs. The Capacity Building Fund is intended to meet objectives outlined in MHCLG guidance, as follows: 1) Increased engagement with key partners in relation to the new duty at Tier 1 level; 2) Produce clear mapping of all existing local accommodation-based support providers' capacity, both commissioned and non-commissioned; 3) Review/ plan local frameworks for delivery; 4) Seek clarity/ agreement between first-tier and second-tier authorities over their roles within the duty; and 5) Increase awareness of the new duty and engagement with MHCLG to fully understand requirements. The intention in Nottingham City is to utilise a proportion of the Capacity Building Fund to create an independent whole-sector review, evaluation, and needs assessment of accommodation-based DSVAs support provision within Nottingham City, as outlined within the new statutory duty. It is envisaged that the cost of the review will be between £10-£15,000. The review is expected to deliver the following key outcomes: 1) An in-depth assessment of stakeholder and officers' views in respect of the statutory duty, and the requirements thereof; 2) An assessment of current governance arrangements and recommendations for amendments to take account of the duty; 3) An assessment of current needs knowledge and data locally available, and recommendations for identification and completion of gaps; 4) An assessment of current commissioning arrangements and recommendations for possible amendments to take account of the new duty; 5) An assessment of current service provision and how this meets current and anticipated demand; and 6) Further recommendations for future actions. Decisions on how to allocate the remainder of the £50,000 will be based on the recommendations and outcomes of the review.

**Briefing notes documents:**

DA Bill summary January 2021.docx, Grant Determination Letter Capacity Building funding 16-11-20.pdf, Briefing on Statutory Duty for domestic abuse accom based services Aug 2020.doc

<b>Other Options Considered:</b>	The guidance from the MHLCG around the capacity building funding makes clear what the funding can be spent on. Stakeholder and officers' views, governance arrangements, current needs, knowledge and data locally available, current commissioning arrangements and current service provision need to be reviewed before other work to be carried out can be identified. Creating a new post was considered but as the work needs to be completed by the end of March 2021, the timescale would not allow for a recruitment process to take place and for the work to be carried out. Using existing staff to carry out the work required was also considered but staff with appropriate knowledge did not have the capacity to carry out the work required, due to current workload.
<b>Background Papers:</b>	None
<b>Published Works:</b>	None
<b>Affected Wards:</b>	Citywide
<b>Colleague / Councillor Interests:</b>	None.
<b>Use of Consultants</b>	Number of Days:30
	Rate per Day:500
	Total value:15000
	Start date:26/01/2021
	End date:31/03/2021
<b>Reason for using a consultant:</b>	This work requires specialist knowledge of the domestic & sexual violence and abuse sector and of the Nottingham city area. It is key that stakeholder and officers' views, governance arrangements, current needs, knowledge and data locally available, current commissioning arrangements and current service provision are reviewed in order to identify further work required.
<b>Other options considered:</b>	Creating a new post was considered but as the work needs to be completed by the end of March 2021, the timescale would not allow for a recruitment process to take place and for the work to be carried out. Using existing staff to carry out the work required was also considered but staff with appropriate knowledge did not have the capacity to carry out the work required, due to current workload.
<b>Name of consultant:</b>	The consultant has not yet been selected.
<b>Reason for selection?</b>	The deadline for quotations to be submitted is 25/01/21. The decision will be made based on the expressions of interest submitted.

<b>Has the consultant previously completed work for the City Council?</b>	<b>Not yet known quotations have not been received but references will be taken up for the successful bidder.</b>
<b>Specific activities to be undertaken by the consultant are:</b>	<b>The independent consultant and author will undertake a domestic and sexual violence and abuse whole-sector review and evaluation exercise. The consultant will be required to submit a draft report for consultation and then a final report, including an assessment of current service provision and how this meets current and anticipated demand and further recommendations for future action.</b>
<b>Period of engagement:</b>	<b>26/01/2021-31/03/21</b>
<b>By what process was the consultant selected?</b>	<b>An invitation to quote was sent out in December 2020 to five consultants, who were either recommended by a DSVA sector colleague or who had carried out reviews for NCC previously. The call for quotes/expressions of interest was also sent to a number of sector colleagues who it was thought might be able to identify other people who would be suitable to carry out the review. Two consultants responded by the deadline to express an interest in quoting to carry out the review. Detailed evaluation forms have been sent to them and the deadline is 25/01/21.</b>
<b>Consultations:</b>	<b>Those not consulted are not directly affected by the decision.</b>
<b>Crime and Disorder Implications:</b>	<b>The CDP is required to produce an annual Strategic Assessment and Partnership Plan to consider crime, ASB, substance misuse and reoffending in the City signed off by full Council in 2020, in accordance with the Constitution. Domestic violence is a key priority within the Strategic Assessment and Partnership Plan. The Crime and Drugs Partnership is the lead commissioner for domestic and sexual violence services in the City.</b>
<b>Equality:</b>	<b>EIA not required. Reasons: The initial expenditure from this funding will enable a review of the DSVA Sector to be carried out. This will assess current service provision, needs, knowledge and data and will highlight gaps which need to be addressed. An EIA will be produced one the review has been completed and will inform future expenditure.</b>
<b>Social Value Considerations:</b>	<b>Not applicable.</b>
<b>Regard for NHS Constitution:</b>	<b>Local authorities have a statutory duty to have regard to the NHS Constitution when exercising their public health functions under the NHS Act 2006. In making this decision relating to public health functions, we have properly considered the NHS Constitution where applicable and have taken into account how it can be applied in order to commission services to improve the health of the local community.</b>
<b>Relates to staffing:</b>	<b>Yes</b>
<b>Decision Type:</b>	<b>Portfolio Holder</b>

**Subject to Call In:**

Yes

**Advice Sought:**

Legal, Finance, Procurement, Human Resources, Equality and Diversity

**Legal Advice:**

There are no legal concerns arising from this report. Any acceptance of funding will be subject to funding conditions which the Council must be satisfied it can comply with. The appointment of a specialist consultant is anticipated to be up to £15,000 and therefore below the threshold for the need to conduct any specified procurement process under the Council's Contract Procedure Rules. The conducting of a quotation process however is a suitable approach to ensure that best value is being achieved for the Council. The decision as to the remainder of the spend is to be delegated to the Strategic Director of Community Protection but any award of contract or decision to spend must still be in accordance with the Council's Contract Procedure Rules and Financial Regulations.

Advice provided by Naomi Vass (Senior Solicitor) on 29/01/2021.

**Finance Advice:**

This decision seeks approval to receive and spend £0.050m of funding from the Ministry of Housing, Communities and Local Government (MHCLG) for capacity building work around the new statutory duty around accommodation-based domestic and sexual abuse support services.

The funding will be spent on the use of a specialist consultant, at a maximum cost of £0.015m, with the remaining £0.035m spent on the recommendations and outcomes of the review that the consultant will undertake.

The role and criteria of the consultant needs to comply with IR35 legislation and follow the additional approval process for use of consultants contained within this decision. The quotation process will ensure best value is achieved for this element of spend.

All expenditure needs to comply with the grant funding conditions. Any future decisions, following the delegation to the Strategic Director of Community Protection, to spend the remaining £0.035m need to ensure they are in accordance with the NCC's Contract Procedure Rules and Financial Regulations and that NCC are not put at any financial risk in the future.

Costs incurred need to be monitored to ensure no financial pressure materialises as a result of this decision.

Advice provided by Philip Gretton (Finance Analyst) on 04/02/2021.

**Procurement Advice:**

This decision seeks to accept capacity building funding of £50,000 from the Ministry of Housing, Communities and Local Government (MHCLG) for capacity building work around the new statutory duty around accommodation-based domestic and sexual abuse support services. The funding should be used in accordance with the grant funding conditions. A quotation process for a specialist consultant at a maximum cost of £15,000 will be completed to ensure best value. Decisions on how to allocate the remainder of the £50,000 will be based on the recommendations and outcomes of the evaluation, and the Procurement Team will provide support to ensure compliance with the Council's Contract Procedure Rules.

Advice provided by Julie Herrod (Procurement Officer) on 26/01/2021.

**HR Advice:**

The proposal to engage a consultant due to the specialist nature of the work and the timescale involved is supported. Management should consider the need to see evidence of satisfactory DBS checks although this role does not appear to involve direct work with children or vulnerable adults.

Advice provided by Matthew Hackney (Resourcing Consultant) on 28/01/2021.

**Equality and Diversity Advice:**

EIA would be required to ensure that the funding is spent accordingly. Unable to complete adequate EIA at this time without sufficient information. As soon as recommendations and outcomes have been received it is advised that and EIA is completed and submitted.

Advice provided by Nasreen Miah (Equality & employability consultant) on 26/01/2021.

**Signatures:**

David Mellen (Leader/ PH Regeneration, Schools, Communications)
Approved 26/02/21
Neghat Khan (PH Employment and Community Protection)
Approved 18/02/21
Andrew Errington (Strategic Director, Community Protection)
SIGNED and Dated: 16/02/2021