

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

4408

Author:

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Department:

People

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Subject:

Police and Crime Commissioner / Ministry of Justice Funding for Domestic Violence Services

Total Value:

Up to £352,466.51 (Type: Revenue)

Decision Being Taken:

1. To accept the initial funding of up to £195,269.74 from the Office of the Police and Crime Commissioner (OPCC) to increase the delivery of domestic violence support services in 2021/22 as detailed in the agreement attached.
2. To grant dispensation from Contract Procedure Rules 4.1.1 (Table 1) and 4.1.2 (Table 2) in accordance with Financial Regulation 3.29 (Operational Issues) to vary current contracts as outlined in Appendix 1 to award additional funding of up to £195,269.74 to providers for activity to be delivered from 2021/22.
3. To grant dispensation from Contract Procedure Rules 4.1.1 (Table 1) and 4.1.2 (Table 2) in accordance with Financial Regulation 3.29 (Operational Issues) to vary current contracts as outlined in Appendix 1 to award additional funding of up to a further £157,196.77 to providers for activity to be delivered from 2022/23 subject to the receipt of further funding to this value / for this purpose from the OPCC.

Reasons for the Decision(s) There has been a well documented rise in the number of domestic violence and abuse cases reported throughout the COVID-19 pandemic. This increase in cases has resulted in a backlog of survivors waiting to have their individual cases heard as part of the judicial system. The Ministry of Justice (MoJ) has responded by making additional funding available to increase the number of Independent Domestic Violence Advisors (IDVAs) available to support survivors.

The OPCC has invited expressions of interest from provider organisations in delivering this activity. Whilst there a number of initial expressions of interest were received, only organisations currently contracted by Nottingham City Council (NCC) to deliver domestic violence services have formally applied. The additional funding and activity is considered to enhance the activity provided under the existing contracts.

The OPCC and NCC are determined to support the survivors to live free from violence and abuse, and also bring perpetrators to justice to prevent the continuation of abusive behaviour. This is reliant on the survivors being supported so that the judicial system can function correctly without survivors being victims of outside pressure or intimidation from first or third party individuals. The decision to be taken will enable the provision of additional support to survivors who are currently going through the judicial system or who are part of the backlog of survivors waiting for their case(s) to be heard.

Briefing notes documents: Appendix 1 - Approvals IDVA MoJ 21-22.docx

Other Options Considered: The OPCC has invited expressions of interest, but only providers currently contracted to deliver existing domestic violence services commissioned by NCC have applied to deliver the additional activity. There is also an urgency to recruit and activate the additional support in line with both the needs of survivors and time constraints contained within the conditions of the grant award. Use of existing providers will expedite the delivery of this activity in line with these requirements, as well as aligning to existing provision within the City. Therefore the option to seek quotes/ go out to tender to provide these services was rejected.

Background Papers: None

Published Works: None

Affected Wards: Citywide

Colleague / Councillor Interests: None

Any Information Exempt from publication: Yes

Dispensation from Financial Regulations: Yes

Exempt Information:

Description of what is exempt: The attached partnering agreement between the OPCC and NCC for the award of funding is exempt.

An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972

3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information). The public interest in maintaining the exemption outweighs the public interest in disclosing the information because it is a private contract between strategic and funding partners.

Documents exempt from publication: FULLY SIGNED City Council 2021.22 Partnership Funding Agreement.pdf

Consultations: Those not consulted are not directly affected by the decision.

Crime and Disorder Implications: The effect of not being able to award this additional money to the existing services will mean that over 90 current survivors will not get the support they need to go through the judicial system, and also that the perpetrators will not be held accountable.

Equality: EIA not required. Reasons: An EIA has been completed prior to the award of services to be uplifted through the implementation of this decision.

Decision Type: Portfolio Holder

Subject to Call In: Yes

Call In Expiry date: 27/10/2021

Advice Sought: Legal, Finance, Procurement

Legal Advice:

The Council has the power to accept the funding under its powers of general competence granted under the Localism Act. 2011.

A dispensation may be granted for operational reasons and those have been set out by the report author. Given that the OPCC has already approached the market to ascertain interest in the delivery of these services, and the Council has already run competitive processes for these types of services the decision maker may be minded to consider that there are clear operational reasons to support the dispensation and there would be no benefit to run a further tender process.

The values of the proposed dispensations raise no significant legal concerns. The existing contracts would either remain below threshold for the purposes of procurement legislation and the Public Contracts Regulations 2015, or the modification would be permissible under Reg 72(5)(b) of the above mentioned legislation.

A review will be made of the proposed funding terms from the OPCC and advice provided as applicable.

Advice provided by Naomi Vass (Senior Solicitor) on 25/08/2021.

Finance Advice:

This decision seeks approval to accept and spend a grant from the Office of the Police and Crime Commissioner (OPCC) to increase the delivery of domestic violence support services as detailed in the attachments. The decision also seeks dispensation from Contract Procedure Rules 4.1.1 and 4.1.2 in accordance with Financial Regulation 3.29 (Operational Issues) to vary current contracts as outlined in Appendix 1.

Initial funding of £0.195m has been confirmed for financial year 21/22 with a further expected amount of £0.157m in 22/23. The 22/23 grant and associated spend (as detailed in the appendix) however are subject to confirmation from the OPCC that this will be awarded in 22/23. The grant across both years must be spent in accordance with any grant term and conditions. The service should monitor spend to ensure only the amount available is spent and to ensure no financial pressure occurs.

The OPCC completed an expression of interests process prior to allocating this funding, due to this and the fact that the market has already been tested, dispensation from Contract Procedure Rule 4.1.1 as referred to in Table 1, and dispensation from Contract Procedure Rule 4.1.2, as referred to in Table 2, in accordance with Financial Regulation 3.29 (operational issues) is sought in order for the continuation of service contracts for Domestic Violence services.

Advice provided by Philip Gretton (Finance Analyst) on 09/09/2021.

Procurement Advice:

The proposals to accept and spend the additional funding from the Office of the Police and Crime Commissioner for survivors of Domestic Abuse, by increasing the number of Independent Domestic Violence Advocates available to support these survivors through the court process, for the durations and measures outlined in Table 1 and Table 2, are supported from a procurement perspective. The OPCC completed an expression of interests process prior to allocating this funding. Dispensation from Contract Procedure Rule 4.1.1 as referred to in Table 1, and dispensation from Contract Procedure Rule 4.1.2, as referred to in Table 2, in accordance with Financial Regulation 3.29 (operational issues) is supported in order for the continuation of service contracts for Domestic Violence Advocates. This decision will enable Nottingham City Council to provide support to survivors of domestic violence and abuse through the judicial system and deal with the backlog of cases. The individual values of these proposals fall below the UK procurement threshold. The use of this funding should comply with any grant conditions and suitable agreements should be in place with these providers to ensure compliance and satisfactory performance.

Advice provided by Julie Herrod (Procurement Officer) on 24/08/2021.

Signatures

Neghat Khan (PH Neighbourhoods, Safety and Inclusion)
SIGNED and Dated: 19/10/2021
Frank Jordan (Corporate Director, Resident Services)
SIGNED and Dated: 15/10/2021
Clive Heaphy as Chief Finance Officer (Chief Finance Officer) - Dispensation from Financial Regulations
SIGNED and Dated: 14/10/2021
Chief Finance Officer's Comments: