

Commissioning and Procurement Executive Committee – 12 April 2022

Subject:	Receipt of DLUHC grant for DVA statutory duty and the commissioning of providers to deliver services		
Corporate Director/ Director:	Frank Jordan – Corporate Director for Resident Services Andrew Errington – Director of Community Protection		
Portfolio Holder:	Cllr Neghat Khan		
Report author and contact details:	Louise Graham – VCS Partnerships Manager louise.graham@nottinghamcity.gov.uk 07885 790195		
Other colleagues who have provided input:	Jane Lewis – Community Strategy Safety Manager jane.lewis@nottinghamcity.gov.uk		
Key Decision	X Yes	<input type="checkbox"/> No	Subject to call-in X Yes <input type="checkbox"/> No
Reasons: X Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £750,000 or more taking account of the overall impact of the decision			X Revenue <input type="checkbox"/> Capital
Significant impact in two or more wards in the City			<input type="checkbox"/> Yes X No
Type of expenditure:	X Revenue	<input type="checkbox"/> Capital	
Total value of the decision: £873,640			
Wards affected: All			
Date of consultation with Portfolio Holder:			
Relevant Council Plan Key Outcome:			
Clean and Connected Communities		<input type="checkbox"/>	
Keeping Nottingham Working		<input type="checkbox"/>	
Carbon Neutral by 2028		<input type="checkbox"/>	
Safer Nottingham		X	
Child-Friendly Nottingham		X	
Healthy and Inclusive		X	
Keeping Nottingham Moving		<input type="checkbox"/>	
Improve the City Centre		<input type="checkbox"/>	
Better Housing		X	
Financial Stability		X	
Serving People Well		X	
Summary of issues (including benefits to citizens/service users):			
The Domestic Abuse Act 2021 places a statutory duty on Tier 1 local authorities as of 1 April 2021.			
The grant will enable Nottingham City Council to fulfil the functions of the statutory duty relating to the provision of support to survivors of domestic violence and abuse and their children residing within safe accommodation and covers revenue expenditure relating to the functions set out in the statutory duty in Part 4 of the Domestic Abuse Act 2021. Nottingham City Council has been awarded £873,640.			
Exempt information: None			
Recommendations:			
1 To accept the grant of £873,640 from the Department of Levelling Up, Housing and Communities to deliver the statutory requirement from 1 April 2022 to 31 March 2023.			
2 To approve funding for the delivery of services as identified in appendix 1.			

3 To delegate authority to the Director of Community Protection to award and sign contracts and variations as outlined in appendix 1.

4 To approve funding from the grant to appoint 1xFTE member of staff to support the implementation of the new statutory duty.

1. Reasons for recommendations

- 1.1 To enable delivery of the statutory duty as outlined in the Domestic Abuse Act 2021 for a one-year period.
- 1.2 To enable the completion of a framework for the commissioning of domestic and sexual violence services in 2022-23 to ensure future compliance.
- 1.3 To enable the continuation of joint commissioning under partnership agreements with the Office of the Police and Crime Commissioner (OPCC) and Clinical Commissioning Group (CCG)
- 1.4 To enable the completion of the review of the CDP Team within NCC and the contributions it receives from Public Health and the OPCC.

2. Background (including outcomes of consultation)

- 2.1 The Domestic Abuse Act 2021 introduced a statutory requirement to Tier 1 local authorities from 1 April 2021. Grants in the form of 'New Burden' funding were provided by DLUHC (formerly MHCLG) to enable Tier 1 authorities to fulfil the functions relating to the provision of support to survivors of domestic violence and abuse and their children residing within safe accommodation.
- 2.2 Work has commenced upon a framework to commission delivery of services which will be completed in 2022-23 to ensure future compliance. Domestic and sexual violence services are commissioned jointly under a partnership agreement with the OPCC and the CCG. Nottingham City Council is the Lead Commissioner on behalf of these partners and all are integral to the review.
- 2.3 The Crime and Drugs Partnership (the statutory Community Safety Partnership) is currently under review including its contributions and partnerships with Public Health (PH) and the OPCC which will affect future delivery of these services.

3. Other options considered in making recommendations

- 3.1 No other options are being considered as this is a statutory duty. DLUHC have indicated that failure to spend will result in reduction of future awards. NCC's proposed strategy and spend were submitted to DLUHC in August 2021 in line with statutory requirements.

4. Consideration of Risk

4.1 Failure to deliver services as agreed –

DLUHC have indicated that failure to spend will result in reduction of future awards. Continuation of current services will ensure that support for the most vulnerable is provided in a recognised and timely manner.

4.2 Failure to deliver to required timeline –

This could impact on the delivery of services resulting in a gap in provision to some of Nottingham's most vulnerable citizens. Providers are aware of the timeline and are ready to deliver.

5. Finance colleague comments (including implications and value for money/VAT)

- 5.1 This report seeks approval to accept and spend a Department of Levelling Up, Housing and Communities (DLUHC) statutory grant funding award of £0.874m for use from 1st April 2022 to 31st March 2023.
- 5.2 The grant will enable Nottingham City Council to fulfil the functions of the statutory duty on Tier 1 Local authorities relating to the provision of support to survivors of domestic violence and abuse and their children residing within safe accommodation (as set out in Part 4 of the Domestic Abuse Act 2021). Detailed allocation of spend against this grant is set out in the appendix 1 within this report.
- 5.3 The Crime and Drugs Partnership is currently under review, including its contributions and partnerships with Public Health and the Office of Police Crime Commissioner which could affect the future ongoing delivery of these services. This will have to be monitored carefully and once these reviews are completed - a review will need to be carried out to ensure that we are still able to meet statutory requirements within existing funding and partnerships.
- 5.4 The Council must ensure all spend is within the terms and conditions of the grant and that no future financial risk is committed to. All spend must be closely monitored ensuring value for money and be managed within the grant allocation amount, ensuring no financial pressures materialise.
- 5.5 The grant funding will be received into the Residents department element of the Crime and Drugs Partnership (CDP).

Susan Turner – Senior Commercial Business Partner 29/03/2022

6. Legal colleague comments

This report seeks approval to accept money from DLUHC for the delivery of the Council's statutory duties under the Domestic Abuse Act 2021.

The City Council must ensure it complies with any terms and conditions specified by DLUHC for receipt of the funding otherwise it will be at risk of DLUHC invoking clawback. All contracts with the providers identified within the report must include provisions which flow down any relevant provisions from DLUHC such as monitoring and reporting outputs.

The spend associated with the delivery of the services is detailed within appendix 1 including by Contract variations and extensions.

It is understood that the proposed extensions are deemed to be permitted modifications compliant with the Public Contracts Regulations 2015 and the Council's Contract Procedure Rules (Article 18.99). An exemption from the Contract Procedure Rules has also been provided with respect to the contract award for the safe accommodation service (Article 18.79).

Other contract awards identified in the appendix must be made in accordance with the Council's Constitutional requirements.

It is paramount that these interim arrangements are kept to a minimum and that the tender process for long term commissioning of these services is commenced as soon as practically possible.

Dionne Screaton, Senior Solicitor, 30 March 2022

7. **Other relevant comments**

Procurement

This report relates to the receipt and expenditure of grant funding from the Department of Levelling Up, Housing and Communities (DLUHC) for the delivery of statutory duties under the Domestic Abuse Act 2021 for the period 1 April 2022 to 31 March 2023. It proposes a number of contract awards or variations to extend existing contracts (as detailed in Appendix 1) to fulfil the Council's obligations under the statutory duty in a timely way and in accordance with the requirements and conditions of the DLUHC grant funding.

The Procurement Team has been consulted in relation to proposed contract awards and has advised on compliance and best value. The proposed contract extensions outlined in Appendix 1 are considered permissible in accordance with Article 18.99 of the Contract Procedure Rules, and in relation to the proposed award of contract for the delivery of the Safe Accommodation Service, exemption from the procedural requirements of the Contract Procedure Rules has been agreed in accordance with Article 18.79. It is proposed that during 2022-23, a framework of providers will be established to enable the compliant award of contracts to deliver these services from April 2024 onwards.

Jo Pettifor, Category Manager – Strategy & People, 29 March 2022

8. **Crime and Disorder Implications (If Applicable)**

- 8.1 Section 17 of the Crime and Disorder Act requires local authorities to do all they reasonably can to prevent crime and disorder. DVA is a local priority in the Crime and Disorder Plan published by the Crime and Drugs Partnerships on behalf of NCC.

9. **Social value considerations (If Applicable)**

- 9.1 Recommendations have been considered in line with the Public Services (Social Value) Act 2012. All services within this report aim to improve the social wellbeing of the client groups they target.

10. **Regard to the NHS Constitution (If Applicable)**

- 10.1 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.

11. Equality Impact Assessment (EIA)

11.1 An EIA is not required because there are no significant changes to existing services that will impact on delivery. However, the EIA from the introduction of the Statutory Duty has been updated and is included as appendix 2.

12. Data Protection Impact Assessment (DPIA)

12.1 A DPIA is not required because there are no significant changes to existing services that will impact or change the way that data is managed.

13. Carbon Impact Assessment (CIA)

13.1 A CIA is not required because there are no significant changes to existing services that will impact on the minimal carbon production from delivery.

14. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)

14.1 Report – Domestic Abuse Statutory Duty Funding and Commissioning Recommendations.

15. Published documents referred to in this report

15.1 Domestic Abuse Act 2021.

15.2 NHS Act 2006.

15.3 Public Services (Social Value) Act 2012.

15.4 Nottingham City Council – Domestic and sexual Violence and Abuse Safe Accommodation Needs Assessment 2021.