

## Commissioning and Procurement Executive Committee – 11 October 2022

<b>Subject:</b>	Domestic and sexual violence and abuse and violence against women and girls commissioning framework		
<b>Corporate Director/ Director:</b>	Frank Jordan – Corporate Director, Resident Services Andrew Errington – Director, Community Protection		
<b>Portfolio Holder:</b>	Cllr Neghat Khan - Neighbourhoods, Safety and Inclusion		
<b>Report author and contact details:</b>	Jane Lewis – Community Safety Strategy Manager <a href="mailto:Jane.lewis@nottinghamcity.gov.uk">Jane.lewis@nottinghamcity.gov.uk</a>		
<b>Other colleagues who have provided input:</b>	Louise Graham – VCS Partnerships Manager <a href="mailto:louise.graham@nottinghamcity.gov.uk">louise.graham@nottinghamcity.gov.uk</a>		
<b>Key Decision</b>	X Yes	<input type="checkbox"/> No	<b>Subject to call-in</b> X Yes <input type="checkbox"/> No
<b>Reasons:</b> 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 on communities living or working in two or more wards in the City			<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Type of expenditure:</b>	X Revenue	<input type="checkbox"/> Capital	
<b>Total value of the decision:</b> Up to £20 million partnership funding into the DSVAVAWG system. The Partnership Agreement allows for £5 million per annum, the Framework will be in place for four years.			
<b>Wards affected:</b> All			
<b>Date of consultation with Portfolio Holder:</b> 22.08.2022			
<b>Relevant Council Plan Key Outcome:</b>			
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	
<b>Summary of issues (including benefits to citizens/service users):</b>			
<p>This report recommends Nottingham City Council commissions a framework of providers through a tender process to deliver provision for domestic and sexual violence and abuse (DSVA) and violence against women and girls (VAWG) (the DSVA / VAWG Framework) on behalf of the Domestic and Sexual Violence and Abuse Joint Commissioning Group (DSVA JCG).</p> <p>The JCG comprises of Nottingham City Council (NCC) Crime and Drugs Partnership &amp; Public Health, Office of the Police and Crime Commissioner, Violence Reduction Unit, Integrated Care Board, Changing Futures and Nottinghamshire County Council.</p> <p>The DSVA JCG delivers the commissioning element of the Domestic Abuse Act 2021 Part 4 Statutory Duty for NCC. The DSVA JCG reports to the Local Partnership Board for DVA which is the Crime and Drugs Partnership Board.</p>			

The development of a Public Contract Regulations 2015 regulation 33 framework is recommended in order to ensure that Nottingham City Council is able to select organisations that have been able to demonstrate their qualification to provide specialist DSV/VAWG services to deliver these services in Nottingham.

A framework will also ensure Nottingham City Council (NCC) will achieve best value (in quality and price) and be compliant with procurement legislation and the Council's internal Contract Procedure Rules.

The DSV/VAWG Framework will enable Nottingham City Council Crime and Drugs Partnership (CDP) as lead commissioner within the DVSA Joint Commissioning Group to jointly commission DSV and VAWG services for citizens, the funding for which is provided by NCC Public Health and General Funds, the Office of the Police and Crime Commissioner (OPCC) and Integrated Care Board (ICB) secured under a Partnership Agreement between NCC, OPCC and ICB.

Currently OPCC contribute approximately £1m per year and NCC/Public Health contribute approximately £1 m per year. Department of Levelling Up, Housing and Communities (DLUHC) New Burdens Funding to support NCC compliance with the Statutory Duty under the Domestic Abuse Act 2021 Part 4 fluctuates but is between 800-900K per year and other national funding may become available each year of the framework from government and other sources, to support provision of DVSA services. In the last 4 years, the proposed life of the Framework NCC received approximately £4 Million to commission and grant aid domestic and sexual violence and abuse support services, however the partnership received a greater number over this time. NCC has a partnership agreement with OPCC and ICB.

It is anticipated that the ICB will review its position on funding for DSV/VAWG services during the lifetime of the Framework and the Partnership Agreement between NCC, OPCC and ICB will enable ICB funding to be incorporated into the Framework.

It is anticipated that the DSV/VAWG Framework will be for a maximum term of 4 years, during which time contracts will be awarded by way of call-off for services required. The Lots for the framework are outlined in appendix 1.

**Exempt information:** None.

**Recommendations:**

- 1** To approve the procurement of a DSV/VAWG Multi-Supplier Framework of providers of specialist services to ensure compliant future contracting of these services.
- 2** To delegate authority to the Corporate Director of Resident Services to authorise the spend on call-off contracts under the framework.
- 3** To approve receipt and spend under the framework in compliance with grant fund conditions of the annual New Burdens Grant for the Domestic Abuse Act 2021 Part 4 Statutory Duty from DLUHC for DVA services in Nottingham.
- 4** To approve receipt and spend under the framework in compliance with grant fund conditions of national funding for DSV/VAWG services. Ministry of Justice, Homes England, Home Office, Department of Health and other government departments, during the life of the Framework.
- 5** To approve receipt and spend under the framework in compliance with grant fund conditions of national funding for DSV/VAWG services. Ministry of Justice, Homes England, Home Office, Department of Health and other government departments, during the life of the Framework.

**6** To delegate authority to the Corporate Director of Resident Services to enter into relevant grant funding agreements arising from recommendation 4 and 5 above.

**1. Reasons for recommendations**

- 1.1 In recent years, the Ministry for Housing, Communities and Local Government now the Department of Levelling Up, Housing and Communities (DLUHC) and other government departments have awarded local authorities short-term funding (typically on an annual basis) to address Domestic Sexual Violence and Abuse (DSVA) and Violence Against Women and Girls (VAWG), most recently for funding to support compliance with the statutory duty to provide safe accommodation under the Domestic Abuse Act 2021 (“the Statutory Duty”).
- 1.2 It is anticipated that this will continue as the means used by DLUHC & other government departments for the administration of funding for specialist DSVA / VAWG services. DLUHC are awarding New Burdens Grant funding for part 4 of the Statutory Duty to all Local Authorities across the UK. The short term nature of the awards and the expectation for delivery has limited the scope to procure the delivery of services through a competitive tender process to date, for example in 2022 the DLUHC award was provided in February for an April start.
- 1.3 On the 12th April 2022 this Committee approved the award of contracts and contract variations for domestic and sexual violence services in 2022-23 and stated that the development of a framework for the commissioning of domestic and sexual violence services to ensure future compliance was required.
- 1.4 The development of a multi-supplier framework (“the DSVA/ VAWG Framework”) will ensure that Nottingham City Council will award contracts to organisations that have demonstrated their suitability through a clear procurement process. The Council’s requirements under a DSVA /VAWG Framework have been organised into lots according to the type of service required. Suppliers may be appointed to a single lot, or more than one lot. (Regulation 46 of the PCR 2015 expressly permits contracting authorities to divide contracts into lots). Each lot requires different Quality Standards, for example a therapeutic service is expected to belong to the British Association of Counselling and Psychotherapy, but a specialist DVA service may require Safe Lives Quality Assurance. To ensure a wide range but appropriate services are able to bid to deliver services, the lots have been clearly defined. This will ensure the most suitable providers will deliver the contracts and the contracts awarded will achieve best value.
- 1.5 The use of a framework to procure services through an open process will also ensure compliance with UK procurement legislation and the Council’s Contract Procedure Rules. At the same time it will help facilitate compliance with the Statutory Duty and enable joint commissioning, funded through money received under a partnership agreement with the OPCC and Integrated Care Board (formerly the CCG) and the DLUHC New Burdens Grant to NCC.
- 1.6 The delegation of authority to the Corporate Director for Residents Services is sought to enable the timely appointment of providers onto the framework and

subsequent award of contracts in accordance with the outcome of the procurement process.

## 2. **Background (including outcomes of consultation)**

- 2.1 DSVa AND VAWG services are commissioned jointly on behalf of a number of partners in the DSVa JCG. Funding from the Office of the Police and Crime Commissioner (OPCC) and ICB (formerly the Clinical Commissioning Group) has been provided and administered under the terms of a Partnership Agreement, for these purposes. Nottingham City Council as host of the Crime and Drugs Partnership is the Lead Commissioner for domestic abuse on behalf of these partners. OPCC leads on sexual violence and abuse and both partners manage VAWG at present. The Domestic Abuse Act 2021 introduced a statutory requirement upon Tier 1 local authorities from 1st April 2021 to provide safe accommodation under the Domestic Abuse Act 2021 (“the Statutory Duty”).
- 2.2 Grants in the form of ‘New Burden’ ring fenced 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. This funding is announced annually with an expectation that it will be spent in a timely manner. The proposed DSVa and VAWG Framework Agreement will enable this and other funding made available to be utilised in the provision of DSVa and VAWG services compliant with financial regulations and the law.
- 2.3 Nottingham City Council’s Statutory Duty Needs Assessment, Strategy and spend were submitted to DLUHC in August 2021 in line with statutory requirements of Part 4 of the Domestic Abuse Act 2021.
- 2.4 The precise total overall value of the decision is indicative as it has not been determined what the DLUHC grant will be (between 800-900K) or the national funding identified during the life of the framework. The estimated value is based on the current level of provision and the anticipated future value of funding to be awarded for the commissioning of these services during the life of the proposed framework by DLUHC.
- 2.5 Commissioning proposals and the proposal for a framework is under consultation with partners and key stakeholders.

## 3. **Other options considered in making recommendations**

- 3.1 To award contracts through separate procurement processes rather than establishing a framework. This option has been rejected as it will not allow for a compliant process to be undertaken when funding is awarded to the council or other partners and services must be established in a short time scale.
- 3.2 Not to accept funding. This option has been rejected as it will mean NCC is not able to comply with its Statutory Duty under the Domestic Abuse Act 2021.
- 3.3 No other options are being considered as this framework will enable NCC to discharge its Statutory Duty. DLUHC have indicated that failure to spend will result in reduction of future awards. The framework enables NCC to procure qualified providers to deliver DSVa/VAWG services in Nottingham from DLUHC and a range of other funding sources.

#### **4. Consideration of Risk**

- 4.1 Demand for DSVA services are increasing, the Domestic Abuse Act Part 4 Statutory Duty for Local Authorities means NCC is due to commission DVA services in a timely manner, failure to do this will mean breach of the Statutory Duty and a reduction in services to citizens. The framework will enable NCC to commission services under the Duty and be compliant with procurement.

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

- 5.1 This decision seeks to approve the commissioning of a DSVA/VAWG multi-supplier framework and to delegated authority to spend via it over a 4-year period.
- 5.2 The value of the funding to be used through the framework is up to £20m, based on an anticipated annual value of £5.000m. This is supported by previous years funding levels and expected future years' levels.
- 5.3 All funding processed and commissioned through the framework will need to be secured with expenditure needing to be affordable from any existing MTFP budgets. Terms and conditions of funding received need to be adhered to at all times to.
- 5.4 Expenditure via the framework will need to be closely monitored by the service to ensure it remains within the funding envelope and to ensure no financial pressure or future financial liability is placed up NCC.
- 5.5 The use of a framework will ensure that best value is achieved. All spend should adhere to and be compliant with Finance regulations, procurement legislation and the Council's internal Contract Procedure Rules

Phil Gretton, Strategic Finance Business Partner - 27 September 2022

#### **6. Legal colleague comments**

- 6.1 Authority is sought to approve the receipt and allocation of secured funding for DSVA/VAWG services and for the commissioning and award of contracts under a Framework Agreement for these DSVA and VAWG services.
- 6.2 The funding will be used to commission under a compliant procurement process.
- 6.3 Nottingham City Council must ensure that it complies with any conditions of the funding, including where applicable passing on these obligations under the contracts it enters into for service delivery, including reporting requirements.
- 6.4 The DSVA/VAWG services (detailed within the lots) fall within the scope of Chapter 3 of the Public Contracts Regulations (PCR) 2015 as they comprise social services, known as "light touch" arrangements. The value of the procured contracts inclusive of VAT is estimated to be greater than the threshold amount (Regulation 5) of £663,540, so they must therefore be awarded in accordance with Public Contracts Regulation 2015.

6.5 Contracting authorities have a considerable amount of discretion around the design and structure of the award procedures for light-touch services, However, they must ensure transparency and equal treatment of suppliers; that all procedural timescales for suppliers must be reasonable and proportionate; and the procedure may take into account any relevant considerations, including:

- the need to ensure quality, continuity, accessibility, affordability, availability and comprehensiveness of the services;
- the specific needs of different categories of users, including disadvantaged and vulnerable groups;
- the involvement and empowerment of users and innovation.

Legal services will work with procurement colleagues in preparing the relevant contractual documentation to support the procurement process.

Richard Bines, Solicitor - 17 August 2022

## 7. **Other relevant comments**

### 7.1 Procurement

This report proposes the establishment of a framework of providers for the commissioning of DSV/VAWG services in Nottingham. The proposed framework will provide a mechanism for the compliant award of contracts for the lifetime of the contract, including when grant funding for these services is received at short notice. It will enable providers to be pre vetted for suitability to deliver the services required and ensure best value is achieved through contracts awarded.

The procurement team will support the development of the framework to ensure compliance with the requirements of the UK Procurement Regulations and the Councils Contract Procedure Rules (Article 18 of the Constitution).

Jo Pettifor, Category Manager, Strategy and People - 22 July 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 and the procurement process will have regard to how social value can be maximised through contracts awarded. All services within this report aim to improve the social wellbeing of the client groups they target and provide local employment.

## 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 will be completed for each element of the framework as they are developed.

#### **12. Data Protection Impact Assessment (DPIA)**

12.1 A DPIA will be completed for each element of the framework as they are developed.

#### **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.  
NHS Act 2006.  
Public Services (Social Value) Act 2012.  
Nottingham City Council – Domestic and sexual Violence and Abuse Safe Accommodation Needs Assessment 2021.