

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

2639

Author:

Katy Follows

Department:

Children and Families

Contact:

Katy Follows

(Job Title: Community Safety Officer, Email: katy.follows@nottinghamcity.gov.uk, Phone: 01158765710)

Subject:

Amber House Refuge - Contract Extension

Total Value:

£389,486 over two and a half years. (Type: Revenue)

Decision Being Taken:

1) To approve dispensation from Contract Procedure Rule 5.1.2 in accordance with Financial Regulation 3.29 (Operational Issues), to allow for an extension to the contract with the current provider for the provision of women's refuge accommodation in Amber House Refuge until 31 March 2019.

Published date: 31/10/2016

This decision is not subject to call-in, as it has already been implemented.

Reasons for the Decision(s)

The current contract expires on 30th September 2016. Permission is being sought to extend the contract until 31st March 2019. This would bring the contracts for refuge provision into line with the contracting arrangements for other Domestic and Sexual Violence (DSV) services (around March 2019).

The refuge provision is delivered by Metropolitan Housing who own the building in which they provide accommodation services. Dispensation is sought from the Contract Procedure Rules in accordance with the Financial Regulations to extend the contract, subject to negotiation with the current provider to amend the service to ensure that it is in line with national quality standards for domestic and sexual violence services. The rationale for dispensation is based on the following:

1. A competitive tender process is considered unlikely to bring appropriate accommodation in an appropriate locations for refuge provision, and is unlikely to provide a value for money outcome as new accommodation would have to be found and paid for at an additional cost to establish additional locations. Refuge provision must be in confidential locations to ensure the safety of the service users and such locations are therefore difficult to find and secure.
2. Current accommodation is appropriate for service users and the relationships with the community it is situated in is well managed. The services comply with section 17 of the Crime and Disorder Act, meeting contractual requirements to engage with appropriate agencies with regard to any neighbourhood management issues around anti-social behaviour associated with the service.
3. The property is owned by Metropolitan and the Commissioner would be unable to guarantee that the same building could be secured for future delivery by an alternative support provider.
4. The safe from harm review recommended that the Crime and Drugs Partnership develop a joint commissioning approach in relation to

the commissioning of all domestic and sexual violence services. This was supported by Executive Board Commissioning Sub-Committee (December 2013) and the Health and Well Being Board (8th January 2014). This has now been developed. To realise the full potential of joint commissioning there is a need to bring all contracts to the same timescales. This should lead to a reduction in management costs and strengthen the pathway for survivors of domestic and sexual violence.

The ambition for the future is to commission all appropriate services as one large contract. This will not be possible unless all current contracts expire at the same time and it would not be practicable with time and financial difficulties to undertake a tender process for the relatively short period of time until the contract for all DSV service is ready.

Other Options Considered:

1. Undertake a tender process - this not considered a viable option as a competitive tender process has the added risks that it may fail to secure appropriate accommodation for the services to be delivered, result in services being in more sensitive or less appropriate locations (refuges need to be places of safety and security for vulnerable women and their children); increase the costs of service provision (alternative suppliers will have increased costs of accommodation provision), and result in a reduction in service provision and outcomes for citizens.
2. Do nothing and let the contract expire - this is not considered as an option as there is a need to continue funding women's refuge provision
3. Nottingham City Council commission a new build for this purpose - this is not considered a viable option as there is no funding available for a new build. Continuity of provision for this vulnerable client group needs to be ensured and a new build process would be lengthy and would result in gaps in provision as well as the increased time and cost to the Council of service delivery.
4. Commission a provider to build a new refuge - this is not considered a viable option as there is not the funding available for the Council to contribute to new builds. There are also no guarantees of long term funding for the provision at the present time, which does not provide an incentive for providers to take on a new build project. Refuge locations are confidential to ensure the safety of service users and so must be dealt with in a very sensitive manner. There is also a concern that the process of gaining the necessary planning permissions for a new build could compromise the secrecy of the location.

Background Papers:

None.

Published Works:

None.

Affected Wards:

Citywide

Colleague / Councillor Interests:

None.

Dispensation from Financial Regulations:

Yes

Consultations:

Those not consulted are not directly affected by the decision.

Crime and Disorder implications:

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 September 2015, in accordance with the Constitution. Domestic violence is a key priority within the Strategic Assessment and the Partnership Plan.

Equality:

Please login to the system to view the EIA document: Amber House Refuge EIA Final.pdf

Social Value Considerations:

The accommodation being provided needs to remain confidential to ensure the safety and security of the service users, and as such will have a minimal impact on the local community. The accommodation will be of great benefit to the vulnerable client group served, enabling them and their children to feel safe where they are living and access support services to restle within the community.

Regard for NHS Constitution:

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.

Decision Type:

Portfolio Holder

Subject to Call In:

Yes

Advice Sought:

Legal, Finance, Procurement, Equality and Diversity

Legal Advice:

The proposals in this report are supported.

The women's refuge service provision is a specialist service for a vulnerable client group. The established service as delivered by Metropolitan Housing, operates well in delivering the service and its engagement with the community around it. Given the specialist nature of the services, the likely difficulties posed by timing issues, budgets and continuation in service, it is not considered viable to attempt to re-tender to identify an alternative suitable skilled provider with appropriate and secure accommodation, for a short period of time.

It has been recommended and the decision has been taken to bring the contracts for refuge provision in line with all other DSV contracts in the future. A combined contract and procurement process will bring the contracts for refuge provision in line with all other DSV services which is expected to realise the benefits of a jointly commissioned service including cost savings.

The report author has considered the alternative options available for the continued provision of this service and for the reasons detailed within the report, an extension to the contract is deemed the most appropriate and economical option available.

The proposed extension will enable the client department to ensure a continued stable service provision whilst undertaking the necessary work to prepare the future combined tender to fully reflect the refuge requirements. The value of the extension is considered to fall under the threshold for the EU Light Touch Regime and the requirement for any additional extensions should be avoided by ensuring timely planning of the future procurement process.

The arrangement should be reflected with appropriate contract extension documentation and the client department should ensure that the performance of the contract for the duration is properly managed. Legal services will assist as required with any extension and contract discussions.

Advice provided by Dionne Claire Sreaton (Solicitor) on 08/08/2016.

Finance Advice:

The value of this decision is £389,486 spread over two and a half years.

The contract is currently funded via reinvestment of the Public Health grant. The current level of reinvestment funding is subject to review from 2017/18 onwards and any reduction in funding after this review would need to be mitigated within the CDP.

Contract performance will be closely monitored to ensure the outcomes align to the City Council's framework to achieve value for money.

Continuation of this contract aligns with the Nottingham City Council Plan 2015-19 to 'continue to work with our partners and communities to ensure vulnerable citizens are supported to live independently and are safe from harm'. The contract also aligns with the Public Health Outcomes Framework Part 2; Summary technical specifications of public health indicators (December 2014), sections 1.11 Domestic Abuse and 1.15 Statutory homelessness.

The decision will align contract expiry dates within the DSV service area and, for this reason, dispensation from contract procedure rules would seem appropriate.

Advice provided by Ian Greatorax (Finance Project Manager) on 02/06/2016.

Procurement Advice:

The proposal is to extend the current funding arrangements for the Women's Refuge Provision until 31 March 2019 to align all contracts to the same timescale - it is noted that there will be commissioning decisions about the future of the services to realise the ambition of one large contract. This work would need to be concluded and allow sufficient time to complete any resulting procurement before the current contracts expire. The current proposal to extend this contract does not exceed the threshold for the EU Light Touch Regime, however any further extensions could exceed this threshold and should be avoided. Therefore, currently, dispensation from the provisions of the Contract Procedure Rules (5.1.2) in accordance with Financial Regulation (3.29) (Operational Issues) to direct award is supported from a procurement perspective.

Advice provided by Nicola Harrison (Procurement Lead Officer) on 08/06/2016.

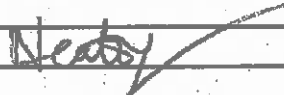
Equality and Diversity Advice:

There are no significant equality issues re: proposal. It's important however that the service continues to be accessible to the variety of communities (protected groups) resident in the city.

Advice provided by Adisa Djan (Equalities and Diversity Consultant) on 11/08/2016.

Signatures

Nicola Heaton (Portfolio Holder for Community Services)



12/09/16

~~NOT SIGNED~~

Candida Brudenell (Strategic Director/ Assistant Chief Executive)

SIGNED and Dated: 31/08/2016

Theresa Channell (Head of Corporate and Strategic Finance) - Dispensation from Financial Regulations

SIGNED and Dated: 16/08/2016

Chief Finance Officer's Comments:

Equality Impact Assessment Form (Page 1 of 2)

Title of EIA/ DDM: Amber House Refuge Contract Extension
Department: Commissioning and Procurement
Service Area: Crime and Drugs Partnership
 (please underline)
Author (assigned to Covalent):

Name of Author: Katy Follows
Director: Candida Brudenell
Strategic Budget EIA Y/N

Brief description of proposal / policy / service being assessed:

To extend the contract for the provision of women's refuge accommodation in Urruada Refuge until 31 March 2019.

The current contract expires on 30th September 2016. Permission is being sought to extend the contract until 31st March 2019.

Information used to analyse the effects on equality:

An EIA was conducted on the commissioning of DSVA services in October 2015.

	Could particularly benefit X	May adversely impact X
<u>People from different ethnic groups</u>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Men</u>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Women</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Trans</u>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Disabled people or carers.</u>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Pregnancy/ Maternity</u>	<input type="checkbox"/>	<input type="checkbox"/>
<u>People of different faiths/ beliefs and those with none.</u>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Lesbian, gay or bisexual people.</u>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Older</u>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Younger</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations,</u>		<input type="checkbox"/>

How different groups could be affected (Summary of impacts)	Details of actions to reduce negative or increase positive impact (or why action isn't possible)														
<p>Provide details for impacts / benefits on people in different protected groups.</p> <p>The refuge provides space for female survivors of domestic abuse, and also accommodates their children.</p> <p>During financial year 2015/16 the ethnic breakdown of women accessing refuge provision was as follows:</p> <table border="1" style="width: 100%;"> <thead> <tr> <th style="text-align: left;">Ethnic Origin</th> <th style="text-align: left;">No. Survivors</th> </tr> </thead> <tbody> <tr> <td>Kurdish</td> <td>1</td> </tr> <tr> <td>Asian Pakistani</td> <td>5</td> </tr> <tr> <td>White Irish</td> <td>1</td> </tr> <tr> <td>Black British/Caribbean</td> <td>7</td> </tr> <tr> <td>White European</td> <td>8</td> </tr> <tr> <td>Black African</td> <td>5</td> </tr> </tbody> </table>	Ethnic Origin	No. Survivors	Kurdish	1	Asian Pakistani	5	White Irish	1	Black British/Caribbean	7	White European	8	Black African	5	<p>What will be done to reduce negative or increase positive impact. Actions should be SMART (Specific, Measurable, Achievable, Realistic, Timebound) and correspond to identified impacts. Actions will need to be uploaded on Covalent.</p> <p>Refuges are encouraged to have cultural competence and this year were given access to £15k per refuge for additional support to women for whom English wasn't a first language.</p> <p>The refuge provides flats which are accessible to disabled service users.</p> <p>A comprehensive performance management framework has been developed in line with national specialist agencies which includes all the</p>
Ethnic Origin	No. Survivors														
Kurdish	1														
Asian Pakistani	5														
White Irish	1														
Black British/Caribbean	7														
White European	8														
Black African	5														

vulnerable children/ adults).

Please underline the group(s) /issue more adversely affected or which benefits.

British Pakistani	3
White British	28
TOTAL	56

During this period there were also 48 children accommodated in the refuge

protected characteristics. This will give us outcome measures against all our vulnerable groups. A copy of the performance framework is attached to this EIA.

Protected characteristics are included in the service specifications for the refugees and these are reviewed quarterly through the performance management framework and through service review meetings.

Services are asked to provide feedback on service user consultations and any identified actions. Services are also asked to give details of partnership working undertaken. These are both monitored in the quarterly service reviews.

LGBT DSVAs Group is to be relaunched.

Multi-agency DSVAs and Safeguarding Group discusses issues relating to BMER and disabled survivors. This group meets quarterly and is attended by colleagues from DSVAs specialist sector.

Outcome(s) of equality impact assessment:

- No major change needed •Adjust the policy/proposal •Adverse impact but continue
•Stop and remove the policy/proposal

Arrangements for future monitoring of equality impact of this proposal / policy / service:

The service will be reviewed quarterly in line with contracting arrangements.

Approved by (manager signature):

The assessment must be approved by the manager responsible for the service/proposal. Include a contact tel & email to allow citizen/stakeholder feedback on proposals.

Jane Lewis jane.lewis@nottinghamcity.gov.uk

Date sent to equality team for publishing:

14th July 2016

Send document or link to:

equalityanddiversityteam@nottinghamcity.gov.uk