

Report of the Strategic Director Health and Wellbeing to the meeting of Corporate Overview and Scrutiny Committee to be held on 18th July 2018

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Subject:

Commissioning of specialist services for domestic and/or sexual violence and those with multiple needs at risk of /or working in prostitution

Summary statement:

This is a report provided for information to advise members of the forthcoming procurement of a contract with a value of in excess of £2million

Bradford Council and the combined Clinical Commissioning Groups provide funding for a range of specialist services to support people who are or who have experienced domestic and/or sexual violence or who may have multiple needs and be working in /or at risk of working in the sex industry.

These contracts are due to expire on the 31st March 2019 and it is important that a re commissioning programme, leading to a formal procurement process, is run to identify and purchase these services for the future. Officers have already started to review and evaluate existing services and other models of service delivery; working with providers, service users and stakeholders to understand need better

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1. SUMMARY

1.1 In line with Council Standing order 4.6.1 all contracts with an estimated value of over £2 million must be reported to the relevant Overview and Scrutiny Committee before inviting tender. This report details the above requirement in relation to specialist services offered in respect of Domestic and/or Sexual Violence and those who are working in or at risk of prostitution.

1.2 This report includes details of the work undertaken by the multi-agency project team to better understand the needs in these service areas; including work with a large range of providers; stakeholders and service users.

1.3 The activity undertaken accords with the plans as laid out in the departmental procurement plans in Health and Wellbeing as well as Children and Young People's services and the joint procurement plans which operate between the districts three Clinical Commissioning Groups (CCG's) and Bradford Council.

1.4 The new commission/s will also reflect the recommendations made as a result of the Joint Targeted Area Inspection (JTAI)-2017/18 into services for families and young people; findings from the West Yorkshire Police's Strategic Needs Analysis –SNA 2017; the Bradford Domestic and Sexual Violence Strategy 2015-20 and the outcome of the supplementary needs work undertaken by the Council's Public Health Department.

2. BACKGROUND

2.1 The services listed in Appendix 1 are either contracts or grants commissioned by the Council and/or the CCG's. Many but not all of these contracts/grants will end on the 31st March 2019. Funding comes from the CCG's and Bradford Council's Health and Wellbeing Department and Children and Young People's services.

2.2 There is also considerable investment in similar and related services from charitable sources, West Yorkshire Police and national sources, such as the Ministry of Justice. As part of the overall preparatory processes these additional services and funding sources have been mapped as much as possible. This commission however relates only to those funds as listed at item 4 Financial & Resources Appraisal and the services set out in Appendix 1.

2.3 There is one Council grant funded service included within scope which has never been formally commissioned and three grant funded services from the CCG's. Including these services in the programme will standardise the contract terms under both the Council and the CCG's standing orders/financial regulations and offer a more sustainable and accountable financial base for delivery in the future. The Council grant funded service is the main source of support; counselling and advocacy for women who have been sexually assaulted. The CCG's services are therapeutic based and support families; women and children who have suffered domestic and/or sexual abuse and/or bereavement.

2.4 In recognition of the complexity and joint nature of the funding regime a multi-agency project team has been formed and is guiding commissioning processes and other associated activity. The same team will lead the subsequent procurement processes.

3. OTHER CONSIDERATIONS

3.1 Identifying Needs & Service User' voices

3.1.1 As part of commissioning activity the project team has gathered information from a number of sources and key work areas in order to identify and better understand the needs of the district, these are detailed below.

3.1.2 An open event was held on the 12th April 2018 and invitees included all current providers, providers funded through alternative sources, key public and private agencies and partners and stakeholders locally, regionally and nationally. Circa 90 people attended on the day, the focus of which was discussion and active mapping of pathways into and out of services.

3.1.3 The questions asked in the workshops run on the 12th April 2018 are listed below along with some of the key themes and findings identified;

Someone who you suspect is experiencing violence in the home what might you do?

Key themes:

- Victim led services are important as is sensitivity' trust building
- Clear pathways are needed into and across services
- Emotional and practical support
- Preventative work is important -early intervention-education and publicity campaigns

What help and support is available for someone who actively wants to end the violence/intimate violence and abuse in the home?

Key themes

- Improved access routes into services for a range of vulnerable groups
- More housing options as a places of safety
- Support for children in recovery
- Working with perpetrators

What help and support is available for someone whose experience of violence/intimate violence and abuse is in the past but they still need support

Key themes

- Service options offered for a longer term and for victims of 'historic abuse'
- Trauma counselling for adults and children –therapeutic services

3.1.4 A Public Health consultant has conducted a Rapid Evidence Review and a broader needs analysis is being undertaken (by Public Health) into the efficacy and evidence underpinning current service options and good practice. Key themes and findings from this work include:

- Commissioners of health and social care services should ensure there are integrated care pathways for identifying, referring (either externally or internally) and providing interventions to support people who experience domestic violence and abuse, and to manage those who perpetrate it.
- Partnerships should adopt clear protocols and methods for information sharing
- Health and social care service managers and professionals should ensure frontline staff in all services are trained to recognise the indicators of domestic violence and abuse and can ask relevant questions to help people disclose their past or current experiences of such

- People who experience domestic violence and abuse have a mental health condition (either pre-existing or as a consequence of the violence and abuse), should be provided with evidence-based treatment for the condition.
- Primary prevention programmes could be delivered to young people, this should be linked to the Government's ambition to support all young people to stay safe and prepare for life in modern Britain through Relationships and Sex Education (RSE)
- Delivery of group and/or therapy/support must be considered for young people who have witnessed domestic violence
- There is strong evidence and support for delivery of perpetrator programmes.
- Sexual Violence services should strengthen links into the regional structures which are funded by West Yorkshire Police, the Ministry of Justice and the Police and Crime Commissionaires office for sexual assault.

3.1.5 Work has been undertaken to examine the efficacy and outcomes of all currently funded services through the analysis of returned performance management data to identify service demand and usage.

3.1.6 A strategic need analysis was produced in partnership between the Police and Public Health colleagues from the Council into the needs of women who are working in or at risk of prostitution.

3.1.7 In addition to the above, the Project Team are utilising the outcomes from the Strategic Needs Analysis for Domestic Violence completed in 2017/18, produced jointly by the Council and the Police, and the recommendations originating in the Joint Targeted Area Inspection (JTAI)-2017/18 into services for families and young people to inform strategic direction and service specifications.

3.1.8 There is also a separate workstream managed by a sub group of the Project Team predicated on understanding and hearing the voices of Service users. CCGs have identified a service user lead to support this part of the overall commissioning programme. The initial focus for this has been to examine the outcomes of current contract performance management returns through which each funded service is required to gather and interpret service user's satisfaction data and submit case studies.

3.1.10 A survey has been prepared to be sent to the Council's citizen's panel requesting their views on DVSV services and how they should be delivered. This is the first time the panel has been utilised in this way and it may help identify more around current gaps in service as well as eliciting personal views and /or experiences.

3.2 Outcomes

3.2.1 The Project team will set key outcomes as an integral part of new contracting arrangements and based on the combined evidence and findings of work areas as identified in item 3.

3.2.2. High level outcomes will remain in line with the Strategic Objectives identified in the Bradford Domestic and Sexual Violence Strategy 2015 – 2020:

- Prevention - Developing models and programmes to stop violence from occurring in the first place is the most strategic (and cost-effective) medium to longer term positive outcomes. Early intervention prevents escalation, repeat victimisation and ultimately reduces high risk incidents of domestic and sexual violence

- Provision of Services - Access to a consistent range of co-ordinated support services is available that maximise safety, reduce repeat victimisation and acknowledge individual needs and experiences.
- Protection and Prosecution - Perpetrators are held accountable by a range of interventions that reduce risk, provide clear messages that their behaviour is not acceptable and are provided with specialist support to change their behaviour
- That services developed are focussed towards a whole family approach.

3.2.3. Complementing existing and new work with those mainstream services such as, primary care, children and young people social care, adult services, West Yorkshire Police is key in ensuring a full range of support is available and outcomes are met.

3.2.4 Consideration is being given to the use of 'transformational contracts' which can incorporate change processes and enable services to evolve over the life of the contract period. To create stability in the sector and to support change the project team would recommend contract lengths of 4 years plus one being offered, subject to Budget Council.

3.2.5 There are currently 48 resettlement units being used as 'move on' from the temporary accommodation that the refuges provide. The work undertaken already indicates that there may be a need to expand on this; creating some fixed 'dispersed units' which could facilitate housing more easily for women with older male children, women exiting prostitution and/or with multiple disadvantages, men fleeing violence, people from the gay, lesbian, bisexual, transgender and queer communities etc., opening up a choice which isn't freely available now. The time it may take to source additional accommodation is an example of where a transformational contract could be used.

3.2.6 It is particular important that family based therapeutic services are included in new commissions. This will reduce duplication and support the work streams and referral pathways which are already working between Children's Social Care and the more specialist services. It will also meet the needs of the recommendations in the JTAI.

3.3. Timetable and other commissioning considerations

3.3.1 The timetable means that it will be necessary to advertise tender opportunity/s in August 2018. This will allow the contract to be awarded in October 2018 giving a longer mobilisation period to accommodate staffing and/or property implications.

3.3.2 TUPE is likely to apply because a result of the commissioning process is that there may be a service provision transfer. TUPE Regulations apply in service provision transfers in situations where a new contractor takes over activities from another contractor (known as re-tendering).

3.3.3. Buildings such as refuges are leased from two registered social landlords Manningham Housing Association and Accent Group who built and own the properties. One refuge is also formally leased to one of the current contracted providers.

4. FINANCIAL & RESOURCE APPRAISAL

4.1 The total annual budget for specialist services for domestic and/or sexual violence is

£2.142m of which £1.6m is LA funded and the balance of £0.5m is funded by the CCG's. The estimated value for a four year contract is £8.5m, rising to £10.7m if the option to contract over a five year period is taken.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

5.1 The project is managed by a team including commissioners and appropriate operational staff drawn from the following;

- The Council –Health and Wellbeing & Children and Young People's services; Place-Neighbourhoods and Housing services
- The Clinical Commissioning Group/s –Joint Mental Health Commissioner and operational staff
- West Yorkshire Police

5.2 To manage activities and time scales there is a formal Project Plan, including a risk register which is monitored fortnightly by the Project team

5.3 The project team reports progress to the Executive Commissioning Board (joint commissioning forum between the Local Authority and the Clinical Commissioning Group/s), the Domestic and Sexual Violence Partnership Board, the Community Safety Partnership, as well as internal management boards and senior officers in the Council and the CCG's.

6. LEGAL APPRAISAL

6.1 These services will provide advocacy and direct support to vulnerable people; families and children and therefore help fulfil the Councils' statutory duties.

6.2 The statutory duties which fall to the Council arise under the following provisions;

- a) Children's Act 1989 (and subsequent amendments)-duty of care to vulnerable children and their families
- b) Part 7 Housing Act 1996-requirement to house vulnerable residents –specific categories for priority need include fleeing domestic violence
- c) Crime and Disorder Act 1998 –introduction of community safety and the strategic partnerships required to manage services to ensure citizens quality of life and freedom from crime and disorder
- d) Mental Capacity Act 2005
- e) Localism Act 2011-extended the use of private sector accommodation offers as part of options available to local authorities to end homelessness duties
- f) Care Act 2014-the requirement to ensure the health and wellbeing of vulnerable groups
- g) Homelessness Reduction Act 2018-extended homelessness duties on local authorities and the requirement to provide housing advice and assistance

6.3 The Local Authority must also have regard to its public sector equality duties under section 149 of the Equality Act 2010 when exercising its functions and making any decisions. The Local Authority must carry out an Equalities Impact Assessment to enable intelligent consideration of any equality and diversity implications when commissioning services.

6.4 S149 of the Equality Act 2010 (the Public Sector Equality Duty) provides as follows

- (1) A public authority must, in the exercise of its functions have due regard to the need to;
 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it

- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to;
 - a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- (4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

- (5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to;
 - a) tackle prejudice, and
 - b) promote understanding.

- (6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

6.5 The Public Services (Social Value) Act came into force on 31 January 2013. It requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. The Act applies to the pre - procurement stage of contracts for services. Commissioners should consider social value before the procurement starts because this can inform the whole shape of the procurement approach and the design of the services required.

6.6. Commissioners should think about whether the services they are going to buy, or the way they are going to buy them, could improve the social, environmental and economic well being of the area and also to consider how in conducting the process of procurement the commissioner might act with a view to securing that improvement.

6.7 In line with the Council's Social Value and Inclusive Growth Policy, the procurement for these services will include a 10% scored Social Value section, using the Social Value

Toolkit to demonstrate that bidders will meet social value objectives for inclusive growth

6.8 TUPE refers to the "Transfer of Undertakings (Protection of Employment) Regulations 2006" as amended by the "Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014". The TUPE rules apply to organisations of all sizes and protect employees' rights when the organisation or service they work for transfers to a new employer. TUPE has impacts for the employer who is making the transfer (also known as the outgoing employer or the transferor) and the employer who is taking on the transfer (also known as the incoming employer, the 'new employer' or the transferee).

6.9 All procurement activity must be undertaken in accordance with Council's Contract Standing Orders and in line with internal governance requirements.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

7.1.1 Services provided through this commissioning and procurement processes are designed to support some of the most vulnerable residents in Bradford's communities. As such they are an important part of the approach to equality and diversity as they seek to empower those who may not have a voice. See Appendix 2 Equality Impact Assessment.

7.1.2 Although it is recognised that women (with or without children) are the largest group affected by domestic abuse; rape and/or sexual violence the need to open up services to people from the lesbian; gay; bisexual, transsexual and/or queer communities and men is an integral part of service delivery, service specifications will identify specific needs for different groups to ensure appropriate service responses are in place.

7.1.3 Prevention and early intervention are a particularly important part of the programme. The Project team acknowledges the need for training and awareness to be provided in schools; youth facilities and other settings where younger people congregate. There is a greater opportunity to implement prevention based programmes with the new approached signalled by the Government in respect of the delivery of Personal and Social education modules in schools.

7.2 SUSTAINABILITY IMPLICATIONS

7.2.1. The need to develop new housing solutions over a period of time during the contract may require a building programme and additional capital investment. This may impact on the long term sustainability of the services if unable to be realised

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

7.3.1 The majority of service recipients will not maintain their access to personal vehicles unless remaining at home, through the Sanctuary scheme. There are small impacts anticipated on the environment through the use of public transport and project based vehicles.

7.3.2 The 'fixed' accommodation bases use gas fired boilers for heating and hot water these have not been examined to ensure there are operating at an optimum level.

7.3.3 Fuel poverty is an issue in the private sector in the district and there will be service recipients who experience debt and money management issues as a result.

7.4 COMMUNITY SAFETY IMPLICATIONS

7.4.1 As noted earlier in this report sexual and domestic violence are issues of particular concern to the Community Safety Partnership. As such the Project team updates this forum through members in Public Health and the portfolio holder.

7.4.2 Crime and fear of crime are both concerns across the district and services such as these can support people to tackle crime and use statutory agencies such as the Courts and the Police to greater effect

7.5 HUMAN RIGHTS ACT

7.5.1. The Human Rights act 1998 enshrines a person's right to the following; A life; respect and a family life; right to marry and to have a family; right to liberty and security; prohibition of torture and inhuman and/or degrading treatment; prohibition of discrimination; slavery and forced labour; freedom of assembly; association and expression; the right to a fair trial and no punishment without law. Service recipients may well be experiencing some or all of the above at the point that they seek support from these commissioned services. In this way the services offered can make a very real contribution

7.6 TRADE UNION

7.6.1 New service specifications may change the roles of staff and offer new and different opportunities to work together. This is unlikely to result in reduced staffing levels or any significant staffing implications but may require time and training support to move forward.

7.7 WARD IMPLICATIONS

7.7.1 Services are offered across the district and therefore will support the needs of families and individuals across all areas and wards

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)

7.8.1. None

7.9 IMPLICATIONS FOR CORPORATE PARENTING

7.9.1 The services which form this commissioning and procurement programme are not specifically aimed at 'looked after children' or those for which the Council has a corporate parenting responsibility.

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

7.10.1 The performance management systems used to ascertain the effectiveness of the contracts issued will require anonymised data to be returned to the Council and Clinical Commissioning group/s to identify efficacy; demand and service usage trends.

7.10.2 There may be a need for partner agencies to share data however this would only be with the express permission of the service user in the full knowledge of why and what it would be used for. General Data Protection Regulation (GDPR) principles relating to any individuals data and rights under the Data Protection Act 2018 will be respected.

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

9.1 As this report is for information only there are no options which can be listed

10. RECOMMENDATIONS

10.1 That the Committee recognise the breadth, importance and complexity of the work undertaken by providers in relation to the above services and support the continuation of these via the new commissioning programme

10.2 That the Committee consider any equality and diversity, TUPE and social value implications at this pre- procurement stage in accordance with Council Standing Orders in 4.6.

11. APPENDICES

Appendix 1

Appendix 2

12 . BACKGROUND DOCUMENTS

JTAI 2017/18

SNA 2017

Rapid Evidence Review