

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Deputy Leader, Cllr Sue Fennimore

Date: 31 March 2022

Subject: Contract Award Report for Domestic Abuse Refuge Services

Report author: Caterina Giammarresi, Victims Programme Coordinator

Responsible Director: Sharon Lea, Strategic Director of Environment

SUMMARY

This report requests approval to award the contract for refuge services, which provide safe accommodation in Hammersmith & Fulham for women and children fleeing Domestic Abuse. This report sets out the procurement process conducted and the rationale for recommending the successful tenderer to proceed to contract award.

The current contract for the provision of domestic abuse refuge services in Hammersmith & Fulham is due to end on 30 June 2022. In October 2021, Hammersmith & Fulham Council began a procurement exercise to appoint a provider for the service, in line with the procurement strategy previously approved by Cabinet. Following the tendering process, the recommended provider is Refuge – a UK registered charity of considerable standing [#277424]. The new contract is due to commence on 1 July 2022 for a period of three years, with an option to extend for an additional two years (one + one year).

RECOMMENDATIONS

1. To approve that Appendix 2 is not for publication on the basis that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) as set out in paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).
 2. That the Deputy Leader approves the award of a three-year contract for the Domestic Abuse Refuge Service to Refuge, at a value of £121,400 per annum (total contract value of £364,200), effective from 1 July 2022, with an option to extend for an additional two years (one + one year).
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Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	The successful service provider confirms that the staff involved in delivering the services will not be

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	<p>subject to zero-hour contracts, and will have suitable employment terms and conditions, including the payment of the London Living Wage.</p> <p>The successful service provider has provided a statement identifying the social value they can provide relating to the contract as part of the tendering process. This statement has been evaluated and approved via the Social Value Portal.</p>
Creating a compassionate Council	<p>The service being commissioned is provided to vulnerable members of our community and to ensure the safety of residents affected by Domestic Abuse and other forms of Violence Against Women and Girls.</p> <p>The contract provides 14 refuge spaces and more than meets the 9 spaces as recommended by the Istanbul convention.</p>
Doing things with local residents, not to them	Local service users and third sector providers have been consulted in the development of the specification of the service.
Taking pride in H&F	The service contributes to the Council's commitment to end Violence Against Women and Girls, support victim/survivors, and make H&F a safe borough for residents.
Rising to the challenge of the climate and ecological emergency	The service makes use of products and resources that are re-used, recycled, or renewable. It has a neutral impact in terms of homes, buildings, infrastructure and energy, travel, consumption, ecology, adaption and Engagement and influence as it uses existing infrastructure.

Financial Impact

The contract is being awarded for a period of three years, effective from 1 July 2022. The contract is for a fixed value (with no annual inflationary uplift) of £121,400 per annum (total three year contract cost of £364,200). The contract includes the option to extend for a further two years, which if invoked will also be at the fixed rate of £121,400 per annum (potential five year contract cost of £607,000).

The annual contract cost of £121,400 is broadly in line with the cost of the current contract, and can be fully funded by existing service revenue budgets (Supporting People - Domestic Violence). A credit check has been undertaken for the recommended supplier, who has passed the financial standing test set by the Council (based on risk, turnover and financial ratios).

Financial impact completed by Kellie Gooch, Head of finance (environment) and verified by Emily Hill, Director of Finance
Dated 30 March 2022

Legal Implications

The Council has the power to carry out these services under the Crime and Disorder Act 1998 and the Domestic Abuse Act 2021.

Under the Public Contracts Regulations 2015 this is a contract which falls within the definition of social and other services. The threshold for contracts of this type is £663,540. The proposed contract falls below the relevant threshold, so the advertising and competition requirements of the regulations do not apply, though in fact a tendering process which met the requirements of these rules has been followed.

This is a high value contract under the Council's Contract Standing Orders. The open procurement process which has been followed meets the requirements of CSO 19.

Legal implications prepared by: John Sharland, Senior solicitor (Contracts and procurement), Tel 70979 907148 Email john.sharland@lbhf.gov.uk

Dated 11 March 2022

Background Papers Used in Preparing This Report

Cabinet report - Business Case & Procurement Strategy report for the procurement of Refuge services, presented on 7 September 2021

DETAILED ANALYSIS

Proposals and Analysis of Options

1. The Council provide a domestic abuse refuge service as part of its response to supporting survivors and ending Violence Against Women and Girls. The Istanbul Convention, which is a human rights treaty on preventing and combating violence against women and girls, recommends 'safe accommodation in specialised women's shelters' should be made 'available in every region'.
2. The Council's current refuge contract, delivered by Hestia, will expire on 30 June 2022. In October 2021, the procurement strategy for the procurement of refuge services was approved and the Council began the process to tender the contract via a competitive tender under an open process to deliver for a maximum period of

five years; three years with an option to extend for up to 12 months on two separate occasions.

3. This procurement was conducted using the open procedure via the capitalSourcing portal. Tenders were scored on cost (20% of total weighting) and quality criteria (80% of total weighting) as agreed in the Procurement Strategy due to the importance of having high quality service provision in this field.
4. Two tenders were received in total. Further information regarding both tenders can be found in Appendix 2. The recommended provider's tender submissions were scored at a tender assessment panel (TAP) and deemed to be acceptable.

Reasons for Decision

5. On 3 October 2021, Cabinet approved the Business Case & Procurement Strategy for the procurement of Refuge services.
6. Provision of refuge services is a critical component of the Council's response to victim/survivors of Violence Against Women and Girls. The procurement and delivery of this contract enables the Council to address its strategic and operational priorities around VAWG, crime and disorder, safeguarding and public health.

Equality Implications

7. An equalities impact assessment was completed whilst preparing the procurement strategy and has been reviewed following the completion of the tender process.
8. There are no direct negative equality implications, under the Equality Act 2010, for those service users from groups with certain protected characteristics by the approval of recommended options outlined in this paper. A positive impact on certain groups with protected characteristics is anticipated by the commissioning / re-commissioning for this service supporting vulnerable residents.
9. The Equality Impact Assessment is detailed in Appendix 1.
10. Consultation has been undertaken with key stakeholders including service users, local authority partners and service providers, as well as independent evaluation of the current services.

Risk Management Implications

11. The report recommends awarding a contract following a competitive tendering process, which is in line with the Council objective of being ruthlessly financially efficient. The services being provided by the providers are essential in providing support to some of the most vulnerable residents in the borough. The award of this contract will enable the Council to address its strategic and operational priorities around VAWG, crime and disorder, safeguarding and public health.

Implications completed by David Hughes, Director of Audit, Fraud, Risk and Insurance, 08/03/22

Climate and Ecological Emergency Implications

12. The service makes use of products and resources that are re-used, recycled, or renewable. It has a neutral impact in terms of Homes, buildings, infrastructure and energy, travel, consumption, ecology, adaption and Engagement and influence as it uses existing infrastructure.

Implications verified by Hinesh Mehta, Strategic Lead for Environment, 09/03/2022

Procurement implications

13. This contract was competitively tendered – the audit trail of the submission and evaluation is on H&F e-tendering portal (reference 19923). 2 expressions of interests and proposals were received, however one bidder failed to pass the thresholds of quality of the PQQ, therefore this resulted in a single bidder being evaluated (rather than simply a Direct Award). There is a record and evidence trail of robust value-for-money and compliance together with adherence with Standing Orders of the Council.

Implications completed by David Von Ackerman, interim Head of Procurement, 15/03/2022

Digital Services and Information Implications

14. No direct IT implications are considered to arise from this report as it seeks approval to award the contract for refuge services, which provide safe accommodation in Hammersmith & Fulham for women and children fleeing Domestic Abuse. Should this not be the case, for example, by requiring new systems to be procured or existing systems to be modified, Digital Services should be consulted.
15. IM implications: if not already in place, a Data Privacy Impact Assessment (DPIA) should be carried out to ensure that all the potential data protection risks around our engagement with Refuge are properly assessed with mitigating actions agreed and implemented.
16. Any contracts arising from this report will need to include H&F's data protection and processing schedule. This is compliant with UK Data Protection law.
17. Refuge will be expected to have a Data Protection policy in place and all staff will be expected to have received Data Protection training.

Implications completed by Pierre Rogier, Strategic Relationship Manager, Digital services

Local Economy and Social Value

18. It is a requirement that all contracts let by the Council with a value above £100,000 provide social value commitments that are additional to the core services required under the contract. In addition, the evaluation of social value should account for a weighting of a minimum of 10% of the overall score.

19. The Social Value offers from each supplier were evaluated by Social Value Portal. Domestic Abuse Refuge Service's proposed contributions amount to 13%. The assessment concluded that the method statement submitted provided a satisfactory explanation of how they will implement and achieve the social value measures and scored 5 out of 5.
20. The main contributions will be towards employability training for service-users in the refuges and business advice to local micro, small and medium enterprises on domestic abuse services.
21. It is recommended the project lead work closely with the Council's Social Value Officer and the contractor to agree on a delivery plan, soon after the award. The supplier will be required to set targets on Social Value Portal and to pay the relevant fee for effective monitoring and reporting.
22. It is advised that the commissioner works with Legal to ensure appropriate social value clauses are included in the contract, so that the Council can enforce its right to compensation if social value commitments are not delivered.

Implications completed by Paul Clarke, Economic Development Officer, 09/03/2022

Property

23. The current contract is delivered across 2 buildings. One building is leased to the current service provider by Notting Hill Housing Group, who have indicated that they would renew the lease with the successful provider from June 2022.
24. The other building is a H&F property. The lease for this building expired on 31st March 2016 and Hestia subsequently completed a "Tenancy at will" on 4 May 2017 at a rent of £29,250 p.a pending renewal of lease. The tenancy at will is still ongoing to date.
25. The Council will hope to negotiate a term of lease consistent with the above service contract on full repairing and insuring basis at current market value of £39,000 per annum with the successful provider.

Implications verified by Ade Sule, Senior Valuer, 10/03/2022

Consultation

26. Key stakeholders that have been consulted on the procurement strategy include the Police community safety unit, Children & Family Services, Adult Safeguarding and specialist service providers: Hestia, IKWRO, Standing Together Against Domestic Abuse, WGN, Stay Safe East, St Mungo's and Turning Point.

LIST OF APPENDICES

1. **Appendix 1: Equality Impact Assessment**

2. **Exempt Appendix 2:** *Results of Tender Assessment Panel (not for publication)*