

## **LONDON BOROUGH OF HAMMERSMITH & FULHAM**

**Report to:** Bram Kainth (Strategic Director for the Environment) in consultation with Councillor Rebecca Harvey (Cabinet Member for Social Inclusion and Community Safety)

**Date:** 30/01/2023

**Subject:** Decision Report: Specialist Co-Located IDVA Service and Criminal Justice Case Progression Performance and Review Coordination Service

**Report author:** Caterina Giammarresi, Victims Programme Coordinator

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### **SUMMARY**

In October 2022, Hammersmith & Fulham Council began a procurement exercise to re-commission the Specialist Co-Located Independent Domestic Violence Advocacy (IDVA) Service and Criminal Justice Case Progression Performance and Review Coordination Service, in line with the procurement strategy approved by Cabinet. The procurement exercise was inclusive of two lots, intended to be issued as two separate contracts commencing on 1 April 2023 (for a minimum of 2 years each, with the possibility of two 12-month extensions):

- Lot 1: Specialist Co-Located IDVA Service Provision (maximum total value of £800,000 over 4 years)
- Lot 2: Criminal Justice and Case Progression Performance and Review Coordination Service (maximum total value of £100,000 over 4 years)

One bid was received for each Lot. The bid for Lot 1 did not meet the minimum required standards. It is not expected that a more suitable provider will be secured if the procurement exercise is repeated as the contract length will likely need to be reduced making the contract less attractive (to align with the 31 March 2025 end date of the secured external grant funding), and also given that only one bid was received from the procurement exercise undertaken. It is therefore recommended to not award the contract for Lot 1, and instead to bring this contract in-house for a period of two years (maximum expected service costs of £400,000 over 2 years). The bid for Lot 2 was evaluated as having met the criteria in all aspects. It is therefore recommended to award the contract for Lot 2 to the incumbent contractor, Standing Together Against Domestic Abuse, for a period of two years with the option to extend for an additional two years (maximum four-year contract value of £100,000).

This report sets out the procurement process conducted and the rationale for the recommendations below.

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### **RECOMMENDATIONS**

That the Strategic Director for the Environment, in consultation with the Cabinet Member for Social Inclusion and Community Safety:

1. Notes that Appendix 2 and Appendix 3 are not for publication on the basis that they contain 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. Approves the recommendation to not award the contract for Lot 1 and instead to bring this service in-house for two years (total two-year service value of £400,000), effective from 1 April 2023.
3. Approves the award of the contract for Lot 2 to Standing Together Against Domestic Abuse for a period of two years with the possibility to extend for two 12-month periods (total maximum four-year contract value of £100,000), effective from 1 April 2023.

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**Wards Affected:** All

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<b>Our Values</b>	<b>Summary of how this report aligns to the H&amp;F Values</b>
Building shared prosperity	Bringing Lot 1 in-house will provide 4 additional job opportunities at the Council which offer competitive salaries and increased benefits compared to what the voluntary and community sector would be able to offer for the roles. The Council will have full control over recruitment and will ensure that staff will have suitable employment terms and conditions. The Council will work closely with the provider for Lot 2 to ensure that the staff involved in delivering the service also have suitable employment terms and conditions, including being paid the London Living Wage or above.
Creating a compassionate council	The services proposed are designed to improve the experience and outcomes of victim/survivors of Domestic Abuse accessing support through H&F Homelessness services, Children's Social Care, and the Criminal Justice system.
Doing things with local residents, not to them	Local service users, stakeholders, and third sector providers were consulted on the development of the service specification for both proposed services.
Being ruthlessly financially efficient	Bringing the IDVA provision in-house allows the Council to manage the service directly, ensuring that a high quality of service is provided to victim/survivors of Domestic Abuse whilst ensuring that those employed to deliver the services receive competitive salaries and benefits offered through the

	local authority. This will improve recruitment and retention of staff, ultimately saving money on additional costs created by vacancies.
Taking pride in H&F	The services contribute to the Council's commitment to ending Violence Against Women and Girls and making H&F a safer and more equitable borough for residents.
Rising to the challenge of the climate and ecological emergency	The impact of these services on the climate and ecological emergency will be neutral or minimal. The services provided will be embedded within existing services (Housing, Children's Social Care, and the Criminal Justice System) and therefore will not require additional building construction or a substantial number of additional resources which will negatively impact the environment. The service will aim to be paperless wherever possible. Lot 1 of the service will be brought in-house and will adhere to the Council's policies regarding the climate and ecological emergency.

## Financial Impact

It is proposed to bring the Lot 1 service (for Specialist Co-Located Independent Domestic Violence Advocacy) in house, given that the only bid received did not pass the tender assessment. The in-house service is to be reconfigured to contain ongoing service costs within the current available budget (£200,000 per annum for two years, total £400,000 over the two-year service period). The detailed estimated service costings are set out in Appendix 3. The annual cost will be funded from secured external grants (£139,000) and existing Council budgets (£61,000) as follows:

Table 1 – Breakdown of Lot 1 service funding per annum

Department	Funding Source	2023/24	2024/25	TOTAL
Community Safety	External grant from the London Crime Prevention Fund (from the Mayor's Office for Policing and Crime). Confirmed for 2023/24 and 2024/25 only	£75,000	£75,000	<b>£150,000</b>
Children's Social Care	Supporting Families grant. Confirmed for 2023/24 and 2024/25 only	£64,000	£64,000	<b>£128,000</b>
Housing	Existing service budget, not currently time limited	£61,000	£61,000	<b>£122,000</b>
<b>Total Funding</b>		<b>£200,000</b>	<b>£200,000</b>	<b>£400,000</b>

It is recommended to award the contract for Lot 2 (for the Criminal Justice and Case Progression Performance and Review Coordination Service) to the existing contractor (Standing Together Against Domestic Abuse) for a period of two years, with the possibility to extend for two further 12-month periods, effective from 1 April 2023. The total maximum contract value is £100,000 (25,000 per annum), which is equal to the current annual contract cost. The Council has secured external funding of £50,000 from the London Crime Prevention Fund (to be utilised by 31 March 2025), which will fund the minimum two-year contract term for Lot 2. As such, this contracted service can be provided at no cost to the Council. The contract will not be extended beyond the minimum two-year period unless additional funding has been identified and secured.

*Finance comments provided by Kellie Gooch – Head of Finance (Environment), 10 January 2023*

*Verified by Andre Mark, Head of Finance (Strategic planning and investment), 11 January 2023*

## **Legal Implications**

The Council has duties under Part 4 of the Domestic Abuse Act 2021 to provide support for victims of domestic abuse. It is in addition subject to a duty under s17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect on and the need to do all that it reasonably can to prevent crime and disorder in its area. The services under both lots contribute to the fulfilment of these functions.

The services under Lot 1 were subject to a competitive tendering process which did not result in a bid which could be recommended for award. The Council is entitled to discontinue a competition if it has a good reason to do so. It is within the Council's powers to bring the services in-house rather than pursue a further competition.

The provision of these services directly by the Council means that there is a likelihood that the staff currently providing them will have their employment transferred to the Council under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE). This transfer of employment takes place by operation of law and the staff will then automatically become employees of the Council. The HR implications are set out in paragraph 24 below.

Lot 2 is below the threshold for the Public Contracts Regulations 2015 to apply. There are therefore no statutory requirements in relation to the tendering process. This is a medium value contract for the purposes of the Council's Contract Standing Orders. The procurement process followed is in accordance with CSO 13.1.

This is a key decision under the Council's Constitution and needs to be published on the Council's key decision list on its website.

*John Sharland, Senior solicitor (Contracts and procurement)*

*Dated 3 January 2023*

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## **Background Papers Used in Preparing This Report**

1. Procurement Strategy for the Specialist Co-Located Independent Domestic Violence (IDVA Service), approved by Cabinet and published on 17 October 2022.
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## DETAILED ANALYSIS

### Proposals and Analysis of Options

1. The approved procurement strategy for the Specialist Co-Located Independent Domestic Violence Advocacy (IDVA) Service and the Criminal Justice Case Progression Performance and Review Coordination proposed to tender for these services as two separate lots, intended to be issued as two separate contracts:
  - i. Lot 1 is for the IDVA service provision
    - This contract brings together three existing contracts to procure an enhanced specialist co-located (IDVA) service to support women experiencing domestic abuse (DA) who are accessing Homelessness services, Children's Social Care, and/or the Criminal Justice System in Hammersmith & Fulham by providing an IDVA embedded directly within each of these services.
  - ii. Lot 2 is for a Case Progression Performance and Review Coordination
    - This contract supports the work of the Criminal Justice element of the specialist co-located IDVA service.
2. The procurement was conducted using the open procedure via the CapitalESourcing portal. It was launched on the portal on 25<sup>th</sup> October and concluded on 5<sup>th</sup> December 12pm.
3. The tenders were evaluated by a Tender Appraisal Panel (TAP) comprising of representatives from the following Council Departments: Community Safety, Housing, and Children's Social Care.
4. 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.
5. One tender was received for each lot. The outcome of the TAP for each lot is as follows:
  - i. Lot 1: The bid received did not pass the minimum requirements to award the contract.
  - ii. Lot 2: The bid received passed the tender evaluation process and it is recommended that the tenderer (Standing Together Against Domestic Abuse) is awarded the contract.
6. Further information regarding the tenders and the scoring can be found in **Appendix 2**.

### Options Considered for Lot 1

7. The members of the TAP sought advice from colleagues in Procurement and Legal regarding the available options given the bid received for Lot 1 did not pass the minimum requirements. All potential options and reasoning are highlighted below:

Options	Reason
1. Award the contract to the bidder	<p><b>Not recommended:</b></p> <p>It is possible to still award the contract for Lot 1 despite the bidder having failed the tender assessment. However, the panel deemed this was not the most beneficial option for the Council and for victim/survivors of DA based on the reasons outlined in <b>Appendix 3</b>.</p>
2. Do not award the contract and go out to tender again	<p><b>Not recommended:</b></p> <p>There is no guarantee at the end of the process that more suitable bids will be received. The funding for the service is currently only guaranteed for the next 2 years and if the service is delayed due to re-tendering, the contract length will need to be shortened, making the contract less attractive to bidders.</p> <p>The timescales available to the authority to recommission, again, would mean that there could potentially be a gap in service.</p>
3. Do not award the contract and bring the service in-house	<p><b>This is the recommended option:</b></p> <p>This option would give the Council direct control over the recruitment and retention of the IDVAs for this service, significantly increasing the availability and quality of the service provided. Bringing the service in-house will also ensure that the IDVAs are fully embedded within the co-location areas and will increase partnership working across departments, which has the potential to improve outcomes for victim/survivors accessing these services.</p> <p>This option was explored whilst developing the procurement strategy and at the time it was agreed that this was not the preferred option given the risks outlined in <b>Appendix 3</b> of this report and the increased cost to the Council to run the service safely. However, given we have not had a successful tender and that awarding the contract could mean providing an inadequate service for victim/survivors of DA, this is the recommended option as a temporary alternative over the next two years. This will give us an opportunity to reflect on our procurement process and improve our market engagement, whilst ensuring we are delivering a high-quality service for victim/survivors of DA. Full risk and mitigations outlined in <b>Appendix 3</b>.</p> <p>NB: This option is more costly (full costs are outlined in <b>Appendix 3</b>) and will mean the service will need to be delivered slightly differently to what is outlined in the new service specification in order to remain within budget (changes are explained in <b>Appendix 3</b>). To run the core service safely and effectively, the enhanced support element will need to be removed from the service for now, unless further funding can be found for this service. Despite this, the TAP feels confident that this slightly simplified service will still be a better offer for victims/survivors in H&amp;F than the other alternative options available.</p> <p>If this option is confirmed the Co-located IDVA provision will be managed within the Community Safety Unit by the Strategic Ending VAWG Lead.</p>

4. Do not award the contract and do not bring the service in-house (no service provided)	<p><b>Not Recommended:</b></p> <p>Not providing this service at all would significantly decrease the level of IDVA provision in H&amp;F and directly contradicts the manifesto commitments to investing in VAWG services and improving outcomes for survivors of DA.</p>
5. Direct Award the contract to another provider	<p><b>Not Recommended:</b></p> <p>No other providers submitted a bid for this tender, as such there is no guarantee at this stage that another provider in the market would be willing to take on this contract. Before exploring this option, the Council would need to notify the tenderer that their bid was unsuccessful and conclude the tender process. This significantly increases the risk of losing TUPE rights and causing delays to mobilising the service and recruiting staff. This option increases the chance of having a discontinuity in service provision which would have a detrimental impact on vulnerable residents affected by Domestic Abuse.</p>

## Options Considered for Lot 2

8. The options considered for Lot 2 are set out below:

Options	Reason
1. Award the contract to the only bidder	<p><b>This is the recommended option:</b></p> <p>The bid from Standing Together Against Domestic Abuse was evaluated as having met the criteria in all aspects. Standing Together Against Domestic Abuse are the incumbent provider and are currently delivering the service to a high standard. There will be little to no disruption to the current service as it is fully staffed and operational. The minimum two-year contract can be fully funded from secured external grant, therefore at no cost to the Council.</p>
2. Do not award the contract and go out to tender again	<p><b>Not recommended:</b></p> <p>This option does not need to be explored as a suitable tender has been received.</p>
3. Do not award the contract and bring the service in-house	<p><b>Not recommended:</b></p> <p>This option would be more costly to the council as it would require more resources to deliver and manage and therefore would not be ruthlessly financially efficient. This service is best delivered by a specialist 'by and for' service from the Violence Against Women and Girls sector and Standing Together Against Domestic Abuse has the specialist expertise in this field to deliver this service to a higher quality.</p>
4. Do not award the contract and do not bring the service in-house (no service provided)	<p><b>Not Recommended:</b></p> <p>Not providing this service at all would negatively impact the support offered to women experiencing domestic abuse who access the criminal justice system in H&amp;F. This would directly contradict the manifesto commitments to invest in VAWG services and improve outcomes for survivors of DA.</p>

## **Reasons for Decision**

9. Lot 1: To enable the council to continue to deliver the service with minimal disruption whilst ensuring victim/survivors accessing the service are receiving the highest quality support possible. Bringing the service in house for two years rather than awarding a contract for Lot 1 is recommended. The tender received did not meet the standards expected and did not pass the tender evaluation. During the period the service is in house, the will Council re-assess, plan and undertake further work to engage with the market to inform future tendering.
10. Lot 2: To award the contract for Lot 2 to Standing Together Against Domestic Abuse (STADA) because the tender evaluation highlighted this as the best option for delivering the highest quality service at the most advantageous cost. This service is best delivered by a specialist 'by and for' service from the Violence Against Women and Girls sector and Standing Together Against Domestic Abuse has the specialist expertise in this field to deliver this service to a higher quality. Their bid was evaluated as having met the criteria in all aspects. STADA are the incumbent provider and are currently delivering the service to a high standard. There will be little to no disruption to the current service as it is fully staffed and operational.

## **Equality Implications**

11. An equalities impact assessment was completed whilst preparing the procurement strategy and has been reviewed following the completion of the tender process.
12. 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.
13. The Equality Impact Assessment is detailed in Appendix 1.
14. 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**

15. Following a thorough risk assessment (set out in Appendix 3), the report recommends not awarding Lot 1 of the contract and bringing the service in house. This is in line with creating a compassionate council so that quality services can be provided to vulnerable residents. The report recommends awarding a contract for Lot 2 following a competitive process, which is in line with the objective of being ruthlessly financially efficient.

*David Hughes, Director of Audit, Fraud, Risk and Insurance, 3 January 2023*



## **Climate and Ecological Emergency Implications**

16. The impact of these services on the climate and ecological emergency will be neutral or minimal. The services provided will be embedded within existing services (Housing, Children's Social Care, and the Criminal Justice System) and therefore will not require additional building construction or a substantial number of additional resources which will negatively impact the environment. The service will aim to be paperless wherever possible. Lot 1 of the service will be brought in-house and will adhere to the Council's policies regarding the climate and ecological emergency.

*Verified by Hinesh Mehta, Head of Climate Change, 04/01/2023*

## **Procurement implications**

17. The procurement choice is compliant with both PCR 2015 and CSOs I have personally assured the procurement's scoring. Also, the recording of both the tender and the decision to bring in house is being recorded on CapE. An investigation is being instigated into why so little market interest was received which I am my colleagues will be inputting into such that a procurement may be accomplished in 2 years' time that investigation will include the Contract Vs Grant consideration. In summary this Decision Report is recommended by the Procurement Function.

*Implications completed by David von Ackerman – Head of Procurement – 10/01/2023, tel 07759044313*

## **DIGITAL SERVICES & INFORMATION MANAGEMENT IMPLICATIONS**

18. Digital Services supports the recommendations highlighted in this report in relation to the Specialist Co-Located Independent Domestic Violence Advocacy (IDVA) Service and Criminal Justice Case Progression Performance and Review Coordination Service. Bringing Lot 1 in house will require access for 4 new members of staff and for access to case management systems such as Mosaic and Locata. Digital Services should be consulted on these to ensure that any IT requirements are delivered in a timely fashion and in compliance with our standards and processes.
19. IM implications: a Data Privacy Impact Assessment (DPIA) should be carried out to ensure that all the potential data protection risks around Lot 2 are properly assessed with mitigating actions agreed and implemented.
20. In addition, a (Cloud) Supplier Security Questionnaire(s) should be completed, to ensure that all the potential data protection and information security risks around Lot 2 are properly assessed with mitigating actions agreed and implemented.
21. 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.

22. The Lot 2 supplier 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, tel 07391 734087*

## **Local Economy and Social Value**

23. On the basis that a contract is recommended to not be awarded for Lot 1, Social Value policy is not relevant and should not be considered.
24. Social Value policy only relates to awards of contracts with a value of £100,000 or more. Initially, social value should only be applied to the recommended confirmed contract which is for an initial two years. This is for a value of £50,000 and, therefore, Social Value does not apply. Should the contract then be extended, and the value becomes £100,000, social value contributions should be considered then before the contract is extended.

*Implications completed by Paul Clarke, Social Value Officer, 28 December 2022*

## **Personnel**

25. The Council has a legal duty to comply with the Transfer of Undertakings (Protection of Employment) Regulations 2006 and its amendments in 2014. Any employees attached to the existing contract have a legal right to transfer to the Council on their existing terms and conditions of employment. The Council will ensure it complies with the regulations and employment law requirements.

*Implications completed by Dave Rogers, Head of People Operations 09/01/2023*

## **Consultation**

26. Stakeholder consultations and survivor consultations took place in September 2022 to develop the service specifications for Lot 1 and Lot 2.

## **LIST OF APPENDICES**

### **Appendix 1: Equality Impact Assessment**

#### **Exempt Appendices:**

#### **Appendix 2: Results of Tender Appraisal Panel (not for publication)**

#### **Appendix 3: Risks, Mitigations, and Changes for in-house Service Provision (not for publication)**