

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Bram Kainth, Strategic Director of Environment, in consultation with Councillor Rebecca Harvey, Cabinet Member for Social Inclusion and Community Safety
Jacqui McShannon, Strategic Director of Children's Services
Jonathan Pickstone, Strategic Director of Economy

Date: 23/5/2023

Subject: Decision Report: Specialist Co-Located IDVA Service

Report author: Neil Thurlow, Assistant Director for Community Safety, CCTV and Resilience

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.

Following this, a decision report dated 12/1/2023 was approved by the Strategic Director of Environment, in consultation with the Cabinet Member for Social Inclusion and Community Safety.

This report seeks to amend the recommended option for Lot 1 and recommends extending the three existing service contracts for a maximum period of 12 months (from 1 April 2023 – 31st March 2024) at a total value of £211,000, and commence a further competitive procurement process for a new service from 1st April 2024.

RECOMMENDATIONS

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

1. Approves the variation of recommendation 1 to not award the contract for Lot 1 and instead to extend the existing service contracts for a maximum period of 12 months with a total contract value of £211,000 across three existing contracts.
2. Awards a one year contract extension to Advance from 1 April 2023 – 31 March 2024 for the Impact (Criminal Justice) Independent Domestic Violence Advocacy Service, with a total contract value of £75,000.

That the Strategic Director of Childrens Services:

3. Awards a one year contract extension to Advance from 1 April 2023 – 31 March 2024 for the Children's Social Care Independent Domestic Violence Advocacy (IDVA) Service, with a total contract value of £75,000.

That the Strategic Director of Economy:

4. Awards a one year contract extension to Advance from 1 April 2023 – 31 March 2024 for the Housing Independent Domestic Violence Advocacy (IDVA) Service, with a total contract value of £61,000.

Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	The Council will work closely with both providers 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	The decision to extend current service contracts for a further year will allow the Council to review its procurement strategy for these services and ensure effective value for money and financial efficiency.
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.

Financial Impact

It is proposed to extend the three existing contracts for a further one year (from 1 April 2023 to 31 March 2024) at their current contract values. The total contract value of the three extensions is £211,000, as summarised in the following table along with the funding source for each contract:

Department	Funding Source	2023/24
Community Safety	£75,000 external grant from the London Crime Prevention Fund (from the Mayor's Office for Policing and Crime)	£75,000
Children's Social Care	£64,000 Supporting Families Earmarked Reserves (confirmed for 2023/24) plus £11,000 contribution from existing Community Safety budgets	£75,000
Housing	£61,000 from existing service mainstream General Fund budget, not currently time limited	£61,000
Total Funding		£211,000

*Finance comments provided by Kellie Gooch – Head of Finance (Environment), 27 March 2023, Danny Rochford – Head of Finance (Economy), 28 March 2023 and Tony Burton – Head of Finance (Children's Services and Education), 29 March 2023
Verified by Andre Mark, Head of Finance (Strategic Planning and Investment), 30 March 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 Council is therefore subject to a legal obligation to provide these services.

These services fall under the "light touch" regime for "social and other specific services" under regulation 74 of the Public Contracts Regulations 2015 (PCR). The threshold for these services is £663,540. The current service is divided between three separate contracts with a total value of £211,000. The additional year will still leave the total value of each contract well below the threshold. This means that the restrictions on extending contracts without a further procurement under the PCR do not apply to these contracts. There are therefore no statutory requirements in relation to the extension of these contracts.

The contract terms for these contracts do not make any explicit provision for extension. Extensions under the Council's Contract Standing Orders are therefore required to be treated as modifications under CSO 24.3.2 by the relevant SLT Member in consultation with the relevant Cabinet Member.

Background Papers Used in Preparing This Report

None

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 25th October 2022 and concluded on 5th December 2022 at 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.

Options Considered for Lot 1

6. The members of the TAP sought advice from colleagues in procurement and legal services regarding the available options given the bid received for Lot 1 did not pass the minimum requirements. Potential options and reasoning were published as part of the decision report published on 2 February 2023. These options included:
 - Awarding the contract to the bidder
 - Do not award the contract and go out to tender again
 - Do not award the contract and bring the service in house
 - Do not award the contract and do not bring the service in-house (no service provided)
 - Direct Award the contract to another provider
7. The report published on 2 February recommended not awarding the contract for Lot 1 and bringing the contract in house.
8. This report now seeks to amend the recommended option for Lot 1 and recommends extending the existing service contracts for up to 12 months (from 1 April 2023 – 31st March 2024) at a total value of £211,000 and go out to tender again for a new service from 1st April 2024.
9. This is on the basis that in the process of implementing the decision to bring the contract in house the council has identified a number of additional challenges which have affected the council's position and the view that bringing the service in house is the best option and would result in the best service for victims and survivors.
10. The move to an in-house service would also have entailed the transfer of employment to the Council of the existing staff within a challenging timescale. This would have been the effect of the Transfer of Employment (Protection of Employment) Regulations 2006. This would inevitably involve a degree of disruption which it would be preferable to avoid if possible. This is particularly the case bearing in mind that an in-house service is not the recommended long-term solution. It would therefore have been possible that there would be a further transfer of staff following the retendering process. Although transfers of this nature are common they can be unsettling and could be seen as not being conducive to continuity in service provision.

Reasons for Decision

11. This report now seeks to amend the recommended option for Lot 1 and recommends extending the existing service contracts for a further year (from 1 April 2023 – 31st March 2024) at a total contract value of £211,000 and go out to tender again for a new service from 1st April 2024. The current procurement only resulted in one tender. Prior to the new procurement beginning officers will

engage with the market with a view to encouraging a greater level of response for the new procurement.

12. It is the intention of the commissioning group to re-evaluate our market engagement strategy and to undertake a different approach to engagement with providers. We envisage that this will require more face-to-face events, different approaches to online market warming etc. as we seek to stimulate interest in the Hammersmith and Fulham offer.
13. In the process of implementing this decision the council has identified a number of additional challenges which have affected the council's position and the view that bringing the service in house is the best option and would result in the best service for victims and survivors.
14. We believe that an extension of up to 12 months is the appropriate amount of time to allow for a further commissioning cycle to be completed.

Equality Implications

15. An equalities impact assessment was completed whilst preparing the procurement strategy and has been reviewed following the completion of the tender process.
16. There are no direct negative implications, for those service users from groups that share protected characteristics under the Equality Act 2010, by the approval of recommended options outlined in this paper. A positive impact on certain groups (such as age, disability, race, religion/belief, pregnancy/maternity, sex and sexual orientation) that share protected characteristics is anticipated by the commissioning / re-commissioning for this service supporting vulnerable residents.
17. The Equality Impact Assessment is detailed in Appendix 1.
18. 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.

Verified by Yvonne Okiyo, Strategic Lead Equity, Diversity and Inclusion 23/3/23

Risk Management Implications

19. This report recommends not awarding Lot 1 of the contract and extending the current service contracts for a period of up to 12 months so a further commissioning exercise can be undertaken. This is in line with creating a compassionate council so that quality services can be provided to vulnerable residents.

David Hughes, Director of Audit, Fraud, Risk and Insurance, 23 March 2023

Climate and Ecological Emergency Implications

20. 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.

Verified by Hinesh Mehta, Head of Climate Change, 29/03/2023

Consultation

21. 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