
Decision Maker:	Portfolio Holder for Renewal, Recreation and Housing with pre decision scrutiny from Renewal, Recreation and Housing Policy & Development Scrutiny Committee		
Date:	16th June 2021		
Decision Type:	Non-Urgent	Non-Executive	Non-Key
Title:	PROCEEDING TO PROCUREMENT – WOMEN IN REFUGE CONTRACT		
Contact Officer:	Lydia Lewinson, Head of Housing Options and Support Tel: 020 8313 3334 E-mail: lydia.lewinson@bromley.gov.uk		
Chief Officer:	Sara Bowrey, Director Housing, Planning and Regeneration		
Ward:	All Wards		

1. REASON FOR REPORT

- 1.1 A contract has been held with Bromley & Croydon Women's Aid (BCWA) since 1st January 2016 for the provision of tenancy sustainment services for women and children fleeing domestic violence. This contract was due to expire on 31st December 2020 as all the extension options were utilised. However due to the pandemic a further 1 year extension was granted and therefore it is now due to expire on 31st December 2021.
- 1.2 This report sets out a summary of performance outcomes delivered by Bromley & Croydon Women's Aid, over the contract period and the procurement strategy for the future Refuge and Tenancy Sustainment contract.

2. RECOMMENDATION(S)

- 2.1 The Portfolio Holder is recommended to approve proceeding to a competitive tender, via an open tender process, for the provision of Tenancy Support and Sustainment services for women in refuge for a contract period of five years.
- 2.2 The estimated cost of the proposed contract is £131k per annum with a total contract value of £655k.

Impact on Vulnerable Adults and Children

1. Summary of Impact: The provision of this service allows the Council to provide safe accommodation and enhanced support from those fleeing domestic abuse.

Corporate Policy

1. Policy Status: Existing policy.
 2. BBB Priority: Supporting Independence Children and Young People
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Financial

1. Cost of proposal: Estimated cost £655k over 5 year term
 2. Ongoing costs: Recurring cost: Estimated £131k per annum
 3. Budget head/performance centre: Supporting People
 4. Total current budget for this head: £1,029k
 5. Source of funding: Existing Revenue budget
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Staff

1. Number of staff (current and additional):
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 95 women
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 The Bromley and Croydon Women's Aid (BCWA (formerly Bromley Women's Aid)), offers 37 units within 6 refuge buildings located across the Bromley borough. The service commissioned by Bromley Council in April 2016, delivers the Tenancy Sustainment Service to single women and women with children within the refuges who have fled their homes due to domestic abuse. BCWA are also funded through the Ministry of Housing and Local Government to deliver a range of domestic abuse support services which interface and enhance the delivery of the tenancy sustainment and refuge provision.
- 3.1 The support enables the residents to gain the emotional stability, confidence, and skills to manage their lives and daily activities independently which allows them to resettle safely within the community. Residents are supported to access key agencies such as housing, health, welfare benefits, education, training, and employment, as well as legal services, where this is required. As they rebuild their lives, the service will empower and enable them to avoid the risk of suffering further significant harm, and safeguards their children.
- 3.2 With the implementation of the Domestic Abuse Bill 2021, all eligible individuals and their children fleeing their home as a result of domestic abuse will have an automatic priority need for housing. The Bill which came into force 29 April 2021, recognises that domestic abuse incorporates a range of abuses beyond physical violence, including emotional, coercive or controlling behaviour and economic abuse. As a result the Homelessness Reduction Act 2017 has been amended in line with the new powers that the Bill imposes for Councils to safeguard victims of domestic abuse and their children by providing refuge provision and other safe accommodation. The Housing Service welcomes the implementation of the Domestic Abuse Bill 2021 and will work with partners and Domestic Abuse specialists to ensure that Officers are trained and resourced to provide advice and support to all those approaching the Council in housing need.
- 3.3 Placing women and children in an anonymous refuge, with the benefit of enhanced support services, as opposed to general temporary accommodation or nightly paid accommodation helps to ensure their safety whilst in a vulnerable position. Provision of temporary accommodation is not sufficient on its own to assist women to re-build their lives. Frequently they will have left their homes without any possessions and both they and their children can be in a severely distressed state. The support service to women and children in the refuges is critical to early intervention and prevention work and avoids the need in many instances for more costly interventions by children and family teams.
- 3.4 The reported Domestic Abuse and Sexual Violence incident rate in Bromley from April 2020 to March 2021 was 10 victims per 1000 of the local population, this equates to roughly 3279 victims. Of these figures, according to Data from the Mayor's Office for Police and Crime (MOPAC) reports the number of domestic abuse offences in Bromley as 2798. Whilst this is a decrease of 10% since the same period in 2019/20, the Service is unsure of the impact that lockdown may have had in respect of people being able to access opportunities to flee domestic abuse.

- 3.5 In keeping with the aims of Domestic Abuse Bill the Council is legally required to providing suitable emergency housing options for women which includes women's refuge provision.

The Council has pledged to lower numbers in temporary accommodation, which includes reducing the supply of nightly paid accommodation used for emergency placements. However, recognises the need for emergency accommodation where a risk assessment, identifies a placement outside of the borough is required for the safe re-location of a household fleeing abuse. Support services will be offered through the Council's Support and Resettlement team to these households, where appropriate.

Where a victim remains in a violent home, which exposes them and their child/ren to the emotional and/or physical trauma of domestic abuse, this could lead to the Council's safeguarding intervention of pursuing care proceedings, however only where no other remedy is available. Accommodating children into an expensive and scarce resource by Children's Services will always be paramount for their safety and wellbeing, however a very costly provision. The BCWA works with parents, services and agencies to ensure they provide safe provision, to enable families to stay together.

Of the 348 children placed in care, between 01/04/2020 and 31/03/2021, many were placed due to emotional harm, which includes those who were impacted due to domestic abuse. Domestic abuse can lead to family dysfunction, abuse or neglect and families in acute stress, which accounts for 76% of our Children's Services intake. During the same period, Children's Services also referred 170 families to specialist BCWA domestic abuse services for advice and support.

The financial outlay for Children's Service accommodating one child per year varies according to need, however, the cost is approximately £260k for a residential placement and £57k for a foster placement. The cost of providing a nightly paid temporary accommodation placement is currently £6,500 per annum. The cost for the BCWA Tenancy Sustainment service is approximately £2,000 per placement per year, which is a less expensive option for the Council and also allows the mother to remain with her child/ren and to receive both therapeutic input and parenting support.

- 3.6 The tenancy support service contract represents very good value for money for the Council when other alternatives are considered. In the period of 01/01/2020 to 31/12/2021 the council referred a total of 88 women to the refuge who had 95 children between them where the Council had a duty to accommodate them. The child population is high within the refuge provision, and demonstrates the necessity for supportive and specialist environments, which see both the adult and the child as victims of abuse. As stated previously, the cost of providing support and accommodation would be significantly higher to the Council overall, if not for the refuge provision.
- 3.7 The Housing Act 1996 (as amended by the Homelessness Reduction Act 2017) stipulates that a local connection is unnecessary for victims fleeing abuse, and almost all refuges have reciprocal agreements whereby, women from Bromley can access refuge accommodation in other areas of the country, just as women from other local authorities can access refuge accommodation in Bromley. By allowing this arrangement, it ensures that Bromley women can safely flee the area and greatly reduce the risk of any significant harm from the perpetrator. Whilst refuge provision is not reserved solely for local victims, Providers are aware there is an indicative target included within the service specification, to ensure access to the provision by residents. In 2020, whilst the utilisation rate was 7% lower than the previous year,

largely due to the Pandemic, 36% of those accessing the BCWA refuge provision were local residents.

4. SUMMARY OF THE BUSINESS CASE

- i) A contract has been held with Bromley & Croydon Women's Aid since 1st January 2016 for the provision of sustainment services for women and children fleeing domestic abuse. This contract has utilised its extension options and expires on 31st December 2021.
- ii) There is ongoing requirement for this service which both meets our statutory obligations and provides early intervention that avoids higher cost support requirements. Whilst the current service model is well embedded within Bromley, there is an acknowledgment of the implementation of the national Domestic Abuse Bill 2021 and this along with service user feedback, good practice from local authorities and the Domestic Abuse sector will be taken into consideration when drafting the specification for the new service.

The Council will work with partners to continue to ensure that Domestic Abuse Services are available and accessible across the borough for individuals (male and female) and their families to reduce the incidents of abuse; and also strengthen the measures in place to tackle perpetrators.

- iii) It is proposed to put the service out to competitive tender for a period of five years at an estimated cost of £131,028.00 per annum with a total contract value of £655,140.00. This represents a 25% uplift on the last contract price, which accounts for salary increases, caters for modifications to the service specification and other increases in service delivery costs. There is anticipated rise in women in need of refuge accommodation due to the Domestic Abuse Bill 2021 and any future contract would need to be fortified to ensure the services are enabled to both support and bring additional value to the Council, in light of it's new duties.

4.1 SERVICE PROFILE/DATA ANALYSIS

- 4.1.1 In 2020, the average utilisation rate of the refuge spaces across the year was 90%. Whilst this is below the target rate of 98%, it shows the borough has sufficient places to cater for any expected increases in referrals, through the changes in legislation arising through the Domestic Abuse Bill 2021.
- 4.1.2 Planned move on from the refuge into secure accommodation has been achieved at 90%, within 2020/21, which demonstrates the excellent work undertaken by the tenancy sustainment service, to empower residents to become sufficient and independent to live within the community.
- 4.1.3 Of the 88 women residing within the refuge during 2020/21, the demographics show:
 - 85% were between the ages of 21 to 40 years, although the largest cohort of 31% (28) were aged between 26-30 years.
 - 20% (18) of women from a white British background, 17% (15) black African and 15% (13) from other black backgrounds. Overall women from a wide range of ethnic backgrounds are accessing the service.
 - A small percentage of 4.5% are reported to have a disability, 2.5% (2) with a physical disability and 2.5% (2) suffering with mental health issues.

The data provided also shows:

- 92% (86) of children within the refuge were between the ages of 0-10 years, although the refuge did accommodate older dependent children also.
- The highest number of children occupying the refuge at any one time, within the year, was 38.
- There were 7 volunteers who provided additional support to the women in the refuge over the last year.

4.4.1 BCWA conduct an exit survey for women leaving their services

Feedback from women has been captured within their quotes below, demonstrating the value and outcomes of the service and the need for services to be recommissioned:

- “I was in the street before I called to women's aid I didn't have any accommodation, no, nothing.”
- “I would have stayed with my abuser as I would have had no options.”
- “If I didn't come into refuge I'm not sure my children would be safe which is my main priority, my anxiety and depression would not of got any better. I would not be where I am today without the help and support of SSM and her team. Thank you.”
- “Things would have been very different and very difficult if I didn't receive support from you. I would have found myself lost without guidance and advice on best actions to take.”
- “If I didn't enter a refuge I would still be with my ex-partner fearing for my life and safety everyday. I also would not be in the fortunate position that I am in today of a safe, secure property in my name with so many lovely donations and help for moving in.”

4.2 OPTIONS APPRAISAL

4.2.1 Option 1:- Decommission the service

This option is not recommended as the service meets the Council's statutory duties laid out in the Domestic Abuse Bill 2021 for women and children at risk, and a legal obligation to access and provide more meaningful assistance to all people who are eligible and homeless or threatened with homelessness, due to their priority need status.

4.2.2 Option 2:- Tender the contract

This would provide the opportunity to carry out a competitive tender and establish value for money along with any efficiencies in service delivery. An open procurement route is proposed, this is due to the market being limited and also with the aim to encourage local and voluntary sector providers. The weighting to be applied is 60% price and 40% quality.

4.3 PREFERRED OPTION

4.3.1 The preferred option is option 2 as the service is required and the contract is coming to an end.

4.4 MARKET CONSIDERATIONS

4.4.1 There is a relatively limited market for this service considering the specialist nature of support to be provided. The current provider is a local voluntary sector provider, relevant providers will be made aware of this opportunity before the tender is published. Partners will be made aware of the opportunity at the next Homelessness Forum meeting to be held in July 2021.

4.4.2 The domestic abuse sector will be informed ahead of the tender going live in order to ensure providers are aware and to maximise the response rate.

5. STAKEHOLDER ENGAGEMENT

5.1 This is a key service requirement as outlined in the Housing and Homelessness strategies which highlight the requirement for specialised accommodation for those experiencing homelessness through violence and abuse.

6. PROCUREMENT AND PROJECT TIMESCALES AND GOVERNANCE ARRANGEMENTS

6.1 **Estimated Contract Value:** £655,140.00

6.2 **Other Associated Costs:** None

6.3 **Proposed Contract Period:** 5 years

6.4 The following procurement timetable will be adhered to for this tender:

July – Publish Tender

August – Tender Returns and Evaluation to start

September – Award Tender & standstill period

October - Dec – Implementation

January 2022 – New Contract starts

6.5 The quality of the tenders will likely be evaluated against the following indicative criteria and weightings:

- Quality and Operational Competence – 20%
- Support provision and life outcomes – 20%
- Risk management and safeguarding 15%
- Value for money and Social Impact – 10%
- Financial sustainability and standing - 5%
- Data protection and GDPR – 5%
- Organisational ability -20%
- Health and Safety – 5%

7. SUSTAINABILITY AND IMPACT ASSESSMENTS

- 7.1 The recommendation to proceed to procurement has been judged to have no negative impact on local people and communities.

8. POLICY CONSIDERATIONS

- 8.1 Housing Act 1996 (as amended by the Homelessness Reduction Act 2017); the Crime and Disorder Act 1998; The Children's Act 1989.
- 8.2 The housing objectives are set out in the relevant business plans and Homelessness Strategy. These objectives are compliant with the statutory framework within which the Council's housing function must operate.
- 8.3 The legislation pertaining to homelessness requires appropriate support to be provided to households at risk of homelessness and suitable accommodation and support to those households to whom the Council owes a statutory rehousing duty. These services play a key part within the overall provision of homeless intervention, prevention and accommodation services.

9. IT AND GDPR CONSIDERATIONS

- 9.1 Any provider will need to demonstrate that they adhere to all current and relevant GDPR and data storing/sharing requirements.

10. PROCUREMENT RULES

- 10.1 This report seeks to proceed to procurement for the provision of Support and Tenancy Sustainment services for women in refuge for a period of five years at a total estimated cost of £655,140.
- 10.2 An open procurement process is proposed to be used.
- 10.3 Health, social and related services are covered by Schedule 3 of the Public Contracts Regulations 2015, and thus any tender would be subject to the application of the "Light Touch" regime (LTR) under those regulations. This procurement falls below the threshold where it is deemed LTR services would be likely to be of cross border interest. There is no direct indication of cross border interest so this opportunity does not need to be advertised on Find A Tender. As this contract will be advertised and is above £25k, it must be advertised in Contracts Finder. The procurement must comply with the PCR 2015 principles of transparency and equal treatment.
- 10.4 The Council's specific requirements for authorising proceeding to procurement are covered in 1.3 of the Contract Procedure Rules with the need to obtain the formal Approval of the Portfolio Holder following agreement by the Chief Officer, the Assistant Director Governance & Contracts, the Director of Corporate Services and the Director of Finance for a procurement of this value. In accordance with CPR 2.1.2, Officers must take all necessary professional advice.
- 10.5 In compliance with the Council's Contract Procedure Rules (Rule 3.6.1), this procurement must be carried out using the Council's e-procurement system.

- 10.6 The actions identified in this report are provided for within the Council’s Contract Procedure Rules, and the proposed actions can be completed in compliance with their content.

11. FINANCIAL CONSIDERATIONS

- 11.1 The cost of the existing contract and extension is set out in the table below:

	£'000
<u>Existing contract</u>	
2015/16 (3 months)	27
2016/17	105
2017/18	105
2018/19	105
2019/20	105
2020/21 (9 months)	80
	527
<u>Extension</u>	
2020/21 (3 months)	28
2021/22 (9 months)	85
	113
Total	640

- 11.2 Other than the relatively minor increased cost of the extension, the previous contract cost had been fixed for 5 years; as set out in section 4 iii), it is expected that the new contract will increase to reflect current costs, as well as increases in provision.
- 11.3 The cost of the contract is funded from the Supporting People budget, which is sufficient to cover the estimated increased cost of £131k per annum (£655k whole life value).
- 11.4 As indicated in paragraph 3.5 above, ceasing the contract would result in the Council incurring significantly higher costs in other budgets.

12. PERSONNEL CONSIDERATIONS

- 12.1 No directly employed staff. Suitable TUPE information will be included in the tender details.

13. LEGAL CONSIDERATIONS

- 13.1 The Council has various legal duties and powers towards the safeguarding and promotion of the welfare of vulnerable domestic abuse adults and children (and any related homelessness issues arising from it), under the Domestic Abuse Bill 2021, the Crime and Disorder Act 1998, the Children’s Act 1989 and the Housing Act 1996 (as amended by the Homelessness Reduction Act 2017) respectively. In furtherance of these powers, the Council has the legal power to enter into a Contract with the Provider -Bromley and Croydon Women’s Aid (BCWA) and may provide and commission through a contract the services outlined in this report
- 13.2 This report seeks to approve the proposal to proceed to procurement for the provision of Support and Tenancy Sustainment services for women and children fleeing domestic violence, for a five year period with all extension options being utilised, with

a further one year granted and is due to expire on 31.12.21. The Contract has been with the Bromley and Croydon Women's Aid (BCWA) since 01.01.16. The estimated annual cost of the Contract is £131,028 per annum. The contract's overall whole life cost over the whole life is £665,140 (i.e total cumulative spend).

- 13.3 For Contracts at or above the threshold of £663,540, (the overall whole life cost of the proposed contract i.e. £665,140 in this case, falls as an over the threshold Contract for the light touch Regime) and therefore the light touch regime applies in line with regulations 74-76 of the Public Contract Regulations (2015) (PCR's). It will therefore be necessary to comply with the light touch regime procurement rules (set out in 74 - to 76 of the PCR's) and must be carried out in compliance with the PCR principles of fairness, transiency and non-discrimination applied proportionately. An open tender procedure will also be undertaken due to the market being limited with the aim to encourage local and voluntary sector providers. There is also a 60% price and 40% quality weighting ratio to be applied.
- 13.4 As the Contract holds a threshold value over 25k, a Contract award notice will need to be published via Contracts Finder within 30 days of awarding the Contract. Advertisement via the Find a Tender Service (FTS).
- 13.5 With regard to the Council's specific requirements for authorising proceeding to procurement, this is covered in Rules 1 and 5 of the CPR's which must be made by the approval of the Portfolio Holder following agreement by the Budget Holder, the Chief Officer, the Assistant Director Governance & Contracts, the Director of Corporate Services and the Director of Finance for a procurement of this value. In accordance with CPR 2.1.2, all Officers must take all necessary professional advice.
- 13.6 In accordance to 3.6.1 of the Council's Contract Procedure Rules, this procurement (and in all cases other than Procurement below £5k), must be undertaken via the Council's e-procurement system, unless otherwise agreed by the Head of Procurement.
- 13.7 The Contract can be awarded in accordance with the Council's Contract Procedure Rules and the Public Procurement Regulations 2015.

Non-Applicable Sections:	Personnel
Background Documents: (Access via Contact Officer)	[Title of document and date] (No appendices to be Included)

Title: PROCEEDING TO PROCUREMENT – WOMEN IN REFUGE CONTRACT

Decision: Gateway Under £100k

Contact Officer:

Name
Title
Department

AUTHORISATION

Agreed by (signature and date):

_____ Date: _____	_____ Date: _____
Name	Name
Budget Holder / Contract Owner	Lead Commissioner
Title	Department
Department	

_____ Date: _____
Assistant Director Governance & Contracts
Required for all proceeding to procurement £100k+/ Extension £50k+/ Exemption £50k+ / Variation £50k+

_____ Date: _____	_____ Date: _____
Director of Corporate Services	Director of Finance

Required for all proceeding to procurement £100k+/ Extension £50k+/ Exemption £50k+ / Variation £50k+

Approved by (signature and date):

_____ Date: _____
Chief Officer
Name
Title
Department
Required for all extension / exemptions / variations. Required for proceeding to procurement £200k+

