



**REPORT TITLE:** Investment of the unallocated Department for Levelling Up Housing and Communities (DLUHC) Domestic Abuse section 31 grant funding.

<b>Cabinet Date</b>	29 <sup>th</sup> March 2023
<b>Cabinet Member</b>	Cllr Kathy Williams - Cabinet Member for Adult Social Care Delivery
<b>Key Decision</b>	Yes
<b>Purpose of Report</b>	The purpose of this report is to seek Cabinet approval for investment of the unallocated Department for Levelling Up Housing and Communities (DLUHC) Domestic Abuse section 31 grant funding for the Financial Years 2022/23, 2023/24 and 2024/25 to enable the council to meet its statutory duties under part 4 of the Domestic Abuse Act 2021.
<b>Recommendations</b>	<p>That Cabinet:</p> <ol style="list-style-type: none"><li>1. Approves the following variations to the council's call-off contract with Stroud Beresford Limited for the Provision of Support in Refuge Accommodation under Lot 2 of the Gloucestershire Domestic Abuse Framework Agreement (entered into on 9th August 2022):<ol style="list-style-type: none"><li>a. A variation under which the provider shall provide, with effect from 1<sup>st</sup> April 2023 until the expiry of such contract on 31<sup>st</sup> March 2025, a Flexible Funding Pot from which refuge support workers will be able to make payments or issue vouchers towards housing related costs for goods and services in order to support women to move on from refuge by removing funding barriers to them accessing accommodation (see paragraph 7 in the background for further details)</li><li>b. A variation under which the charges payable thereunder shall be increased in accordance with the mechanism set out in the call-off contract in order to meet inflationary increases to staffing and other costs directly associated with the delivery of support.</li></ol></li><li>2. Approves the following variations to the council's call-off contract with GreenSquareAccord Limited for the provision of Gloucestershire Domestic Abuse Support Service (GDASS) under Lot 1 of the Gloucestershire Domestic Abuse Framework Agreement (entered into on 1<sup>st</sup> August 2018):</li></ol>

	<ul style="list-style-type: none"> <li>a. A variation under which the provider shall provide, with effect from 1<sup>st</sup> July 2023 until 30<sup>th</sup> June 2025, the services of additional specialist domestic abuse workers who shall work closely with victims of domestic abuse and professionals within the Registered Housing Provider sector; and</li> <li>b. A variation under which the provider shall provide, with effect from 1<sup>st</sup> July 2023 until 30<sup>th</sup> June 2025, additional management and administration support services in relation to all DLUHC funded activity.</li> </ul> <p>3. Delegates authority to the Director of Public Health in consultation with the Cabinet Member for Adult Social Care Delivery to:</p> <ul style="list-style-type: none"> <li>a. Conduct a competitive procurement process in respect of a new trauma recovery/counselling support services contract for adult victims of domestic abuse who access domestic abuse safe accommodation. The proposed contract shall continue for an initial period of two years and include an option to extend its term for a further period of up to one year;</li> <li>b. Award such contract to the preferred tenderer; and</li> <li>c. Determine whether to exercise the option to extend the term of such contract for a further period of up to one year on the expiry of the initial two year term.</li> </ul> <p>4. Delegates authority to the Director of Public Health to allocate 10% of the DLUHC section 31 grant funding (described in the Resource Implications section below) to pay for the Council’s administrative costs arising from meeting its statutory duties under part 4 of the Domestic Abuse Act 2021 in the Financial Year 2024/25.</p>
<p><b>Reasons for Recommendations</b></p>	<p>To ensure that the Council meets its statutory duties/functions relating to the provision of support within domestic abuse safe accommodation (which is contained within Part 4 of the Domestic Abuse Act 2021), and to allocate the DLUHC section 31 grant funding in line with these requirements.</p>
<p><b>Resource Implications</b></p>	<p>The decisions within this paper will be entirely funded within the Domestic Abuse Act 2021 DLUHC section 31 grant funding and no Council funding is required.</p> <p>DLUHC have now confirmed the section 31 grant funding to be allocated to Gloucestershire County Council in 2023/24 (£1,130,901) and 2024/25 (£1,152,238). The investment required to implement the recommendations set out above shall be drawn from the unallocated grant funding for Financial Years 2022/23, 2023/24 and 2024/25.</p> <p>Currently there is £341,030 unallocated funding within the 2022/23 grant, £363,209 within the 2023/24 grant and £918,646 within the 2024/25 grant after existing previously approved decisions are taken into account.</p>

The total funding required for these new aforementioned recommendations across the 3-year funding period will not exceed £874,452.

Recommendations 1(a) and 1(b) above:

The total estimated value of the proposed Stroud Beresford Group Lot 2 contract variation described in Recommendation 1 above is £32,400, (£10,000 per annum Flexible Funding and £6,200 per annum inflationary costs) which shall be funded from the DLUHC section 31 grant for 2023/24 and 2024/25.

Recommendations 2(a) and 2(b) above:

The total estimated value of the proposed GreenSquareAccord Limited Lot 1 contract variation described in Recommendation 2 above is £246,828 which shall be funded from the DLUHC section 31 grant for 2023/24 and 2024/25. Of this funding: £75,881 per annum provides for specialist domestic abuse workers to support victims of domestic abuse and professionals in the Registered Housing Provider sector and £47,533 per annum provides for additional management and administration support within GDASS to facilitate all DLUHC funded activity.

Recommendation 3 above:

The total estimated value of the proposed 2-year trauma recovery contract for adult victims of domestic abuse accessing domestic abuse safe accommodation as described in Recommendation 3 above is £320,000 (£160,000 per annum) which shall be funded from the DLUHC section 31 grant for 2022/23, and 2023/24. If the council elects to exercise its 1-year extension option under the proposed contract (funded from the DLUHC section 31 grant for 2024/25), the total estimated contract value is £480,000.

Recommendation 4 above:

The total estimated value of the proposed administrative burdens activity described in Recommendation 4 above is £115,224 which shall be funded from the DLUHC section 31 grant for 2024/25.

Summary of values:

Recommendation:	DLUHC section 31 2022/23 allocation	DLUHC section 31 2023/24 allocation	DLUHC section 31 2024/25 allocation	Total DLUHC section 31 grant funding required
1. Stroud Beresford – flexible funding and increased contribution to support costs		£16,200	£16,200	<b>£32,400</b>
2. GDASS – Specialist workers within the		£123,414	£123,414	<b>£246,828</b>

	Registered Provider sector, management and admin support.				
	3. Trauma Recovery/Counselling Support for adult victims in DA safe accommodation	£160,000	£160,000	£160,000	<b>£480,000</b>
	4. Administrative Burdens			£115,224	<b>£115,224</b>
	<b>Total</b>	<b>£160,000</b>	<b>£299,614</b>	<b>£414,838</b>	<b>£874,452</b>
<b>Background Documents</b>	<p><a href="#">Cabinet decision, MHCLG Domestic Abuse section 31 grant funding for 2021/22, dated: 21<sup>st</sup> July 2021</a></p> <p><a href="#">Officer decision, Allocation of the DLUHC (formerly known as MHCLG) Domestic Abuse section 31 grant funding for administrative burdens, dated: 13<sup>th</sup> June 2022</a></p> <p><a href="#">Gloucestershire Domestic Abuse Needs Assessment 2021</a></p> <p><a href="#">Gloucestershire Domestic Abuse Strategy 2021-2024</a></p> <p><a href="#">Direct Award of a call-off contract under Lot 2 (Provision of Places of Safety) of the Gloucestershire Domestic Abuse Pseudo Framework, dated 23/11/2021</a></p> <p><a href="#">Extension of the contract for Gloucestershire Domestic Abuse Support Service, dated 21<sup>st</sup> September 2022</a></p> <p><a href="#">Statutory guidance - Delivery of support to victims of domestic abuse in domestic abuse safe accommodation services</a></p> <p><a href="#">Domestic Abuse Act 2021</a></p> <p><a href="#">Whole Housing Approach toolkit (DAHA – Domestic Abuse Housing Alliance) – Co-located Housing Advocacy</a></p>				
<b>Statutory Authority</b>	Domestic Abuse Act 2021				
<b>Divisional Councillor(s)</b>	All				
<b>Officer</b>	Name: Tina Hemingway, Public Health Manager Tel: 01452 328529 Email: Tina.Hemingway@gloucestershire.gov.uk				
<b>Timeline</b>	<p><u>Recommendation 1</u></p> <p>Variation of existing call-off contract: April 2023 (effective from 1<sup>st</sup> April 2023)</p> <p><u>Recommendation 2</u></p> <p>Variation of existing call-off contract: April – June 2023 (effective from 1<sup>st</sup> July 2023)</p> <p><u>Recommendation 3</u></p>				

	ITT – September 2023; Evaluation of bids October 2023; contract award November 2023; mobilisation November 2023 – December 2023
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Recommendation 4

Decision making on allocation of funding: April – July 2023

## **Background**

1. Under the Domestic Abuse Act 2021, Gloucestershire County Council as a Tier 1 Local Authority has a statutory duty to provide support to victims of domestic abuse and their children residing within refuge and other 'domestic abuse safe accommodation'. The Act also includes a requirement for the County Council to convene a multi-agency Domestic Abuse Local Partnership Board (LPB); complete a Needs Assessment; develop a Domestic Abuse Strategy; and commission in line with said strategy. For further details on the Domestic Abuse Act – see background within the [July 21 Cabinet Decision](#).
2. The Council has received section 31 grant funding from DLUHC to support the delivery of this statutory duty.
3. In July 2021, Cabinet approved the investment of the DLUHC section 31 grant funding for 2021/22, and the Decisions partially allocated the grant from 2021/22, and delegated decision making for the remaining allocation to the Director of Public Health. The Decisions included spend up to four years with future years to be funded by the 2022/23, 2023/24 and 2024/25 grant allocations. Contracts issued following these Decisions included annual break clauses to allow for changes within the annual grant allocations. A further officer decision has been made in relation to administration burdens dated 13<sup>th</sup> June 2022, and an officer decision in consultation with the Cabinet Member for Adult Social Care Delivery dated, 24<sup>th</sup> February 2023 allocated funds from the 2021/22, 2022/23, 2023/24 and 2024/25 DLUHC section 31 grant allocations for the provision of support in Places of Safety.
4. The DLUHC section 31 grant for 2022/23 was awarded at a slightly higher value than the 2021/22 award. DLUHC have now confirmed the section 31 grant funding to be allocated to Gloucestershire County Council in 2023/24 and 2024/25, both at slightly higher values than the preceding years.
5. This paper outlines the proposed use of a proportion of the unallocated 2022/23, 2023/24 and 2024/25 DLUHC section 31 grant funding to meet our statutory duties to provide support to victims of domestic abuse and their children accessing domestic abuse safe accommodation.

### **Flexible Funding Pot for Stroud Beresford Women's Refuge**

6. Stroud Beresford were awarded the contract to provide support in refuge accommodation without further competition as the only Lot 2 provider on the Gloucestershire Domestic Abuse Framework with a refuge in Gloucestershire. The DLUHC funding cannot be used for capital costs, and during market engagement all other providers on Lot 2 indicated that they would be unable to establish a new refuge within which to provide support without the inclusion of capital funding.
7. We are recommending the allocation of a Flexible Funding Pot for Stroud Beresford Women's Refuge to enhance existing commissioned support provided under their Lot 2 call-off contract. This funding would support women to move on from refuge accommodation by removing barriers to accessing longer term accommodation options. This funding will be used when there are no other suitable funding options available. It will be used to cover a range of one-off costs which can be a barrier to women and children

seeking move on from refuge accommodation, for example legal costs, upfront rent requirements, initial upfront utility bills, essential white goods.

8. We are recommending an increase in our contribution to the staffing and other support costs of the refuge. The refuge awarded a pay increase to support the retention and recruitment of staff in the current economic climate to ensure the support capacity needed to run the service.

### **Specialist domestic abuse support from Gloucestershire Domestic Abuse Support Service (GDASS) for victims of domestic abuse residing in safe accommodation**

9. GDASS is provided by GreenSquareAccord Limited as the single provider on Lot 1 for the provision of core domestic abuse victim services through the delivery of GDASS.
10. We are recommending the inclusion of additional DLUHC section 31 grant funding within the value of the Lot 1 GDASS contract extension (1<sup>st</sup> July 2023 – 30<sup>th</sup> June 2025) for the purposes of:
  - a. Providing funding for GDASS to recruit specialist domestic abuse workers to work with victims of domestic abuse and professionals within the Registered Housing Provider sector across Gloucestershire. These workers will provide direct support to DA victims, advocate on their behalf including issues relating to housing and signpost to other agencies/ support as appropriate. They will also upskill and support the professionals working within the Registered Housing sector to be able to identify and respond to domestic abuse. They will raise the profile of DA within the sector. These roles are in line with the best practice approach set out in the Whole Housing Approach (WHA) and will support the housing sector as a whole with its ambition of implementing a WHA within Gloucestershire;
  - b. Providing funding for an increase in dedicated management and administration capacity within GDASS. This recognises the management and admin burdens associated with delivering the additional range and volume of support for victims of domestic abuse that the DLUHC funding provides for within the GDASS contract.

### **Trauma Recovery/Counselling Support for adult victims of domestic abuse residing in safe accommodation**

11. We are recommending using DLUHC section 31 grant funding for a two year contract with an option to extend for up to one year to test a trauma recovery/counselling support offer for adult victims of domestic abuse accessing domestic abuse safe accommodation in order to explore the viability of developing a longer-term trauma recovery service for all victims of domestic abuse. The commissioning will be preceded by a market engagement exercise that will be used by the Council to inform the development of the service specification. It has been determined that a two plus one year contract is needed as due to the nature of the work to be undertaken by a Provider it is unlikely that we will have a high number of outcomes within the first 12 months and as such 18 months will be needed to gather enough data to reflect on the effectiveness of the concept, and to determine if the option to extend should be exercised at the end of the initial term.

12. During the initial term of the contract we will evaluate and refine the approach to providing trauma recovery support with the successful provider. There will be consideration of widening the scope of the specification to commission a future service to offer trauma recovery support to include victims of domestic abuse that are not currently accessing domestic abuse safe accommodation and we will be looking to identify possible funding options for this support as it could not be funded by the DLUHC section 31 grant.
13. It has been identified locally in the Gloucestershire Domestic Abuse Needs Assessment and Strategy, which were informed by consultation and engagement with victims and survivors of domestic abuse, that there is a need for the provision of trauma recovery support for victims of domestic abuse. .

### **Burdens Funding**

14. Decision 4 in the July 2021 Cabinet paper approved the allocation of a proportion of the Council's DLUHC section 31 grant funding to pay for the Council's administrative burdens in meeting the statutory duties under part 4 of the Domestic Abuse Act 2021. This funds posts which support the domestic abuse work associated with the duties of the Domestic Abuse Act 2021 to a maximum annual value of £100,000 over a three year period.
15. Recommendation 5 of this paper seeks approval to delegate the decisions on allocating a fourth year of funding for administrative burdens to the Director of Public Health, which will be allocated as 10% (i.e. £115,224 ) of the DLUHC section 31 grant for the 2024/25 Financial Year. The funding is currently used to support a proportion of roles across the Council, the Office of the Police and Crime Commissioner and the Gloucestershire Constabulary. The delegated decision to confirm the allocation of the funding for specific roles will be taken in due course once a view can be taken on where further work is needed to meet the Council's statutory duties.

### **Use of the remaining unallocated funding**

16. There are still unallocated DLUHC section 31 grant funds from the Financial Years 2022/23, 2023/24 and 2024/25. The best use of the unallocated funding will be determined in line with the grant criteria, statutory guidance on support in domestic abuse safe accommodation. There will also be consideration of any unmet needs as identified within the Gloucestershire Domestic Abuse Needs Assessment or the annual refreshes thereof, the priorities within the Gloucestershire Domestic Abuse Strategy 2021-24 and actions within its Delivery Plan. Separate decisions will be sought at the appropriate level of authorisation subject to the nature and value of the decisions to be made.

### **Options**

17. To proceed with the recommendations as outlined above. This will enable the Council to meet its statutory duties as a Tier 1 Local Authority under part 4 of the Domestic Abuse Act 2021, and to use the DLUHC section 31 grant funding in a manner that reflects the DLUHC statutory guidance on the delivery of support to victims of domestic abuse and their children in domestic abuse safe accommodation services. Proceeding with the recommendations also contributes towards the Council meeting the requirements of the Gloucestershire Domestic Abuse Delivery Plan and the successful implementation of Gloucestershire's Domestic Abuse Strategy.



18. To do nothing. This will prevent the Council from meeting its statutory duties as a Tier 1 Local Authority under part 4 of the Domestic Abuse Act 2021. We would be in breach of the council's Memorandum of Understanding with DLUHC relating to the DLUHC section 31 grant funding which may affect the award of future funding for this activity. Not proceeding would impact on our ability to meet the requirements of the Gloucestershire Domestic Abuse Delivery Plan and to successfully implementation of Gloucestershire's Domestic Abuse Strategy which would present a reputational risk to the Council.

## **Risks**

The following risks have been assessed:

19. Risk of challenge to the proposed modifications to the Lot 2 contract described in Recommendation 1 above is deemed to be low. The proposed modifications are justified under public procurement law on the basis that: (a) the aggregate value of the proposed modifications (i.e., £32,400) is less than 50% of the initial call-off contract value (i.e., £300,000), and (b) has been brought about by circumstances relating to cost of living which could not have been foreseen by the Council and (c) the proposed modifications will not alter the nature of the call-off contract; and (d) the said aggregate value is also less than the relevant procurement threshold (ie £552,950 exc.VAT). Moreover, Stroud Beresford Group is the only provider under Lot 2 (Provision of Places of Safety) of the Gloucestershire Domestic Abuse Framework Agreement described in Recommendation 1 who can provide support within existing refuge accommodation, noting that there are other providers on Lot 2 who may have been able to provide support in refuge accommodation but only if capital funding is provided to them for the purpose of securing a property in which the support could be delivered (as none of the other providers on Lot 2 have housing stock available suitable for use as refuge provision) however capital funding is contrary to the terms of the DLUHC section 31 grant.
20. Risk of challenge to the proposed modifications to the Lot 1 contract described in Recommendation 2 above is deemed to be low. The modifications of the Lot 1 contract described thereunder is justified under public procurement law on the basis that: (a) the aggregate value of the proposed contract variation relating to Recommendation 2 (i.e., £246,828) is less than 10% of the initial contract value (i.e., £6,410,000) and (b) the proposed modifications will not alter the nature of the call-off contract; and (c) the said aggregate value is also less than the relevant procurement threshold (ie £552,950 exc.VAT). Moreover, GreenSquareAccord Limited is the sole provider appointed to Lot 1 (Specialist Domestic Abuse Support Service) of the Gloucestershire Domestic Abuse Framework Agreement described in Recommendation 2 above from which the call-off contract was awarded, hence it is the only framework provider who is capable of providing such modified specialist domestic abuse services.
21. The commissioning within Recommendation 3 will be carried out following a competitive procurement process in accordance with the requirements of the Public Contracts Regulations 2015, hence the risk of legal challenge under the public procurement rules is deemed to be negligible.
22. Changes in DLUHC grant – DLUHC section 31 grant funding is confirmed until the end of 2024/25. Any risk of the future funding not being provided as part of a ringfenced grant or

at a lower level is mitigated by the following: The proposed contract modifications within Recommendations 1 and 2 are covered within the confirmed grant allocations and both contracts are due to end in 2025 so any changes to future funding would not impact the modifications. Recommendation 3 will be commissioned for three years in line with the available funding (including unallocated funding from the 2022/23 allocation), which mitigates against the risk that we do not know what funding will be available in 2025/26 as yet. Future DLUHC section 31 grant allocations as well as other potential funding streams would inform considerations on the viability of commissioning a longer-term trauma recovery service.

### **Financial implications**

23. The investment required to implement these recommendations shall be drawn from unallocated funds remaining within the Domestic Abuse Act 2021 DLUHC section 31 grant allocations for 2022/23 (£1,108,722), 2023/24 (£1,130,901) and 2024/25 (£1,152,238).
24. Total estimated spend across the 3-year funding period being considered above will not exceed £874,452.
25. All recommendations are covered by confirmed grant funding from the DLUHC.
26. The activity within the Lot 1 GDASS contract sits within Lot 1 of the Gloucestershire Framework Agreement for Domestic Abuse and the Stroud Beresford contract for Support in Refuge Accommodation sits within Lot 2 of the Gloucestershire Framework Agreement for Domestic Abuse. The total spend under the framework agreement, inclusive of the proposed recommendations, remains within the estimated overall total funding envelope of the Framework Agreement of £14 million, and the intended spend within the GCC Lot 1 contract of circa £7 million (approved by Cabinet in September 2017).
27. The inclusion of additional DLUHC funding on the basis described in Recommendation 2 by way of a variation to the Lot 1 call-off contract with GreenSquareAccord Limited for the provision of GDASS will not exceed the modified contract value of £7,560,000 that was published in Find a Tender by means of a voluntary transparency (VEAT) notice in August 2021.

### **Climate change implications**

28. The Council's Climate Change and Air Quality Officer did not have any comments on the report. It is not considered that there will be any climate change implications as a result of the recommendations in this report.

### **Equality implications**

29. Has an Equalities Impact Assessment (EIA) been completed? Yes
30. Cabinet Members should read and consider the Equalities Impact Assessment in order to satisfy themselves as decision makers that due regard has been given.

31. GDASS is open to all victims of domestic abuse aged 16 plus (and provides indirect support to under 16s through a whole family approach to support) including those from protected characteristic groups.
32. The Providers will continue to work to ensure inclusive and accessible services. The EIA did not identify any disproportionate or adverse impact to individuals from a protected characteristic groups arising from the recommendations, with the exception that migrant victims of domestic abuse have limited options to access support in safe accommodation when they have no recourse to public funds – this sits outside of the Council's control as it reflects national legislation. There is ongoing work nationally to explore the need for, and to scope options to provide, a funding mechanism for migrant victims.
33. The Council will use contract monitoring to continue to evaluate protected characteristic referrals into GDASS, refuge accommodation, Places of Safety and Counselling support and consider any barriers or challenges as they arise.
34. The Domestic Abuse Local Partnership Board (LPB) is considering how to increase reporting of abuse amongst specific groups currently underrepresented in data across all commissioned domestic abuse services, to understand the true prevalence of domestic abuse and participation from these groups.

### **Data Protection Impact Assessment (DPIA) implications**

35. A DPIA is in progress for GDASS in relation to the contract extension approved by Cabinet 21<sup>st</sup> September 2022 as the original contract was awarded prior to the introduction of the current data protection regulations. This will be updated and reviewed to include the provision of specialist workers working within the Registered Provider sector, and whether this impacts on data controllership arrangements.
36. A DPIA has already been completed regards to support in refuge accommodation and this will be reviewed annually. The new Flexible Funding allocation does not change the data processing arrangements already in place.
37. The DPIA decision checklist has identified that a DPIA will be required for counselling support and an initial conversation has been completed with the Council's Information Management Service (IMS). The DPIA will be completed with input from IMS to ensure that due consideration is given to data protection impacts during the development of the service.

### **Social value implications**

38. Opportunities to maximise economic and social benefits beyond the scope of the commissioned activity will be included in the service specifications, invitation to tender and monitoring requirements for the investments we are making.
39. Delivering the recommendations in this report will offer benefits to the wider system, for example the specialist support provided by GDASS to victims and professionals within the Registered Provider sector will enable more existing tenants to remain safe in their current homes which will reduce the number of homeless presentations to the local housing authorities.

## **Consultation feedback**

40. The recommendations in this report are in line with the Gloucestershire Domestic Abuse Needs Assessment, Strategy and Delivery Plan which were informed by consultation activity with victims and survivors of domestic abuse and are overseen by the Gloucestershire Domestic Abuse Local Partnership Board.

## **Officer recommendations**

41. Officer advice is to agree all the recommendations in this report.

## **Performance management/follow-up**

42. Local authorities are required to complete and submit an annual DLUHC reporting template.

43. A Ministerial-led National Expert Steering Group has been established to monitor and evaluate delivery of the new duty. This Group includes the Domestic Abuse Commissioner and representatives from local government, Police and Crime Commissioners, health bodies, specialist domestic abuse service providers and housing associations.

44. The individual contracts covered by these recommendations are or will be managed by the Council. Regular contract monitoring and reporting processes will be in place, and reporting will be managed by these processes. The Council will also report on progress to the Domestic Abuse Local Partnership Board as well as internal KPI reporting.

45. The Domestic Abuse Local Partnership Board will report progress on implementing the Gloucestershire Domestic Abuse Strategy to Safer Gloucestershire as well as informing the Health and Wellbeing Board.