



Executive
14 December 2009

**Report from the Director of
Housing and Community Care**

Wards Affected:
ALL

**Authority to tender a contract for Supporting People
funded services for women fleeing domestic violence
accommodated in refuges and to extend associated
Supported People contracts**

Forward Plan Ref: H&CC-09/10-5

1 Summary

- 1.1 This report seeks authority to invite suitable providers to tender for a contract as required by Contract Standing Orders 88 and 89. The award of a contract will be for the provision of a Supporting People funded refuges service for women at risk of domestic violence with a range of support needs.
- 1.2 The report additionally seeks authority to extend the current contracts for Supporting People Family (Families, Refugees and BME) up to 31 March 2011

2 Recommendations

- 2.1 The Executive to give approval to the pre tender considerations and the criteria to be used to evaluate tenders to award a contract for the provision of Supporting People funded services for women at risk of domestic violence accommodated in refuges with a range of support needs as set out in paragraph 10.1 of this report.
- 2.2 The Executive to give approval to officers to invite tenders and evaluate them in accordance with the approved evaluation criteria referred to in paragraph 2.1 above.

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2.3 The Executive to approve a further extension of Supporting People contracts for Families as specified in paragraph 7.6 of the report up to 31st March 2011.

3.0 Detailed Background – Supporting People

3.1 The Supporting People (“SP”) Programme is a national programme to commission the provision of housing related support services for vulnerable people to help gain, increase or maintain their independence. SP funds the provision of “floating support services” (support to service users in their own home where the support worker moves to support someone else when support is no longer needed) and “accommodation based services” (support tied to accommodation where the client living in a hostel or supported housing scheme or a refuge receives support as a condition of occupation).

3.2 The SP Programme commenced in April 2003. The budget for the SP Programme in Brent is £12.8 million for 2009/10.

3.3 Members will recall that at their meeting in May 2007, they approved the SP Commissioning Framework setting out a procurement programme for SP Services over a five-year period. This tendering project is part of the plan set out in the programme. Domestic violence services are all included in the SP Programme and due to be tendered in 2009-10.

3.4 In March 2009 the decision was taken to complete a strategic review of domestic violence services funded by SP which was completed in June 2009. As a result of this review, a report was presented to the Commissioning Body in June 2009 recommending the tendering of these services, and setting out how they should be packaged. The Commissioning Body agreed that SP funded services for women fleeing domestic violence needs to be re-tendered to appoint providers. The Executive also agreed on June 15th 2009 that the domestic violence floating support services could be tendered with the Families floating support framework.

4 Detail Background - Strategic Review of Supporting People services for domestic violence

4.1 The SP strategic review of 2009, taking account of an Equalities Impact Assessment, concluded that:

- There is a continued demand for refuges for women (and children) fleeing domestic violence. Client record data for the year 2008/2009 indicate that the client group (with the highest recorded percentage of non-host referrals) is Women at Risk of Domestic Violence (72.3%),
- SP procure one accommodation based service for a total of 25 women accommodated in refuges (in a number of locations) to include provision for 19 women with low/medium needs, BMER (Black Minority Ethnic and Refugee) women, women with complex needs and single women fleeing domestic violence, who may or may not have complex needs and to

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include provision for a specialist refuge for 6 Asian women (and their children)

- Procure one floating support service jointly with and through the Families tender (making appropriate links with the Think Families project).
- Increase links and access between available statutory and non-statutory services/third sector organisations to ensure women fleeing domestic violence are able to benefit from the full range of services available in the borough.
- Current providers already work with women without recourse to public funds (funded by the provider itself and sometimes by Social Services) and there is a need for this to continue while bearing in mind that move on for this group can be problematic.
- Refuge service providers should be expected to move service users on within 12 months of residence and within six months from the point of being established as ready for independent living.
- Refuge provision needs to work with families in a way that assists women and children to move on successfully from the refuges into a range of housing options, including the private rented sector.
- Services should support families to achieve good outcomes in relation to health, employment, training and education opportunities.
- Domestic Violence provision should be configured and commissioned to ensure that women with complex needs (substance misuse/alcohol and or mental health issues) and male children under the age of 13 can be supported in refuges.
- Services should be procured in line with the principles of achieving improved service coverage and outcomes and improved value for money and greater efficiencies for the Council.
- Where possible, services should be procured in partnership with reference to the Think Families initiative.

4.2 The intention is to re-model current services to take into account the conclusions of the 2009 strategic review within the contract tendering proposed in this report. However, in relation to the recommendation to procure a floating support service as part of the Families tender, approval has already been sought for this from the Executive in June 2009.

5 Detailed Background - Current Pattern of Supporting People Funded Provision of Domestic Violence services

5.1 SP currently allocates a total of 2.38% of the £12.8 million SP budget and commissions two providers for domestic violence services. The organisations are commissioned to provide:

- A service for Asian women accommodated in refuges and a floating support service for Asian women (for a total of 6 women + 10 children for the service for women (and children) accommodated in refuges and with a capacity to support 15 Asian women for floating support).

- A generic service for women accommodated in refuges and a floating support for women from all backgrounds (for a total of 13 women + 32 children spread out between two refuge locations and with a capacity to support 32 women for floating support).

5.2 Approximately 8 staff support 66 service users and 42 children with varying levels of need across both the services. Service users (and providers) have highlighted a wish for more support for children in the refuges

5.3 Locally, there is an in-equitable staff to service user ratio in refuges and for floating support when compared to other West London domestic violence services. Both the domestic violence services have low staff to service user ratios – (e.g. for refuge) 1:6 in Brent when compared with some West London boroughs whose ratio range from: 1:3 to 1:4.

5.4 The cost of services provided under the existing schemes range from just under £150 to £ 272/unit/week. The hourly rate varies from £25 to £32.

5.5 In total 66 women (and 42 children) fleeing domestic violence are supported with the total funding allocation of £309K. It is envisaged that by procuring one floating support service as part of the Families tender and one contract for services for people accommodated in refuges, a small saving will be made whilst continuing to support 66 women (and approximately 42 children). By appointing a single contractor for the provision of refuge services, the current benchmarking for hourly rates for refuge services indicates the Council can expect economies of scale.

6. Consultation with Service users and Providers

6.1 During the Strategic Review of the domestic violence services, significant consultation took place with existing service users of SP funded services. This was to ascertain their views on the current service and where they saw themselves in the future. Key points that emerged from the consultations were:

- Information on services is not always available - Lack of awareness of the help available can sometimes deter women from leaving a violent relationship earlier – and therefore all staff working with families need to have training on the resources available to support clients experiencing domestic violence
- Focus groups conducted with women from the Asian refuge highlighted the need to continue to have a specialist refuge for Asian women, as there is likelihood that some women may return to their abusive partner rather than stay in a refuge which does not cater for their needs.
- Women are supported in the refuge but for women without recourse to funds it is very difficult to leave their abusive partner
- It is hard to get support sometimes especially when there are children involved as SP services do not fund children’s workers – (this is funded

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through other charitable means).

6.2 Stakeholder and provider consultation at a recent event identified the following gaps in existing services and concerns regarding future provision:

- Preventative services are required, not crisis led services for the community
- More provision is required in dealing with complex needs such as mental health
- Support is required for children services especially in refuges
- Support is needed for women without recourse to public funds
- Services available need to be promoted (via Start Plus)
- There are difficulties in securing move on for single women experiencing domestic violence because they are not considered as a priority for housing when compared with women with children
- Partnership working needs to be strengthened to ease information sharing and joint working
- The staff to service user ratios are low when compared with other West London domestic violence services – therefore the capacity is for crisis management only within the Brent services
- Strong concern was raised by the Asian women’s domestic violence service about any loss of the refuge for Asian women fleeing domestic violence and re-specifying this service. (To address this concern, SP will be including a refuge for Asian women in the proposed tender.)

6.3 The current SP providers of services for domestic violence are aware of the procurement timetable (see section 10 below) and have expressed an interest to continue to provide SP services to their users until the tender process has been completed and providers are appointed.

7. Proposals for Tendering

7.1 The SP Team propose that current service for women accommodated in refuges is reconfigured into one contract for 25 persons accommodated in refuges (in various locations) that can provide structured and intensive support to women fleeing domestic violence with a range of complex needs. The services would focus on working jointly with a range of stakeholders such as Children’s Services, Family Welfare services, the Drug and Alcohol Action Team, Health services, Housing, Community Safety Team and other appropriate organisations to improve outcomes for vulnerable families.

7.2 The complex needs addressed could include mental health issues, physical health needs, substance misuse, forced marriages, women wishing to exit prostitution and trafficking.

7.3 The objective of this tender exercise is to improve the quality of services for women accommodated in refuges and by combining current contracts, small

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efficiencies will be made. In providing services to women fleeing domestic violence who are accommodated in refuges, providers will need to demonstrate sensitivity and the ability to provide ethnically and culturally sensitive services and respond to the needs of Brent's diverse communities and be able to link in with different partner agencies and agendas. A contract will be awarded to the tender which submits the most economically advantageous tender for service.

- 7.4 The exact requirements and quantities of services for women accommodated in refuges will be outlined in a detailed service specification. Currently, 8 staff provide support to approximately 66 service users and 42 children across both the refuge and floating support services, delivering an average of 280 hours/week. As detailed in paragraph 4.2, floating support services are being separately procured as part of the Families tender. With the SP contract proposed for services for women accommodated in refuges, it is envisaged that 25 service users (and their children) will be supported and the remaining 41 women will be supported with floating support via the Families tender.
- 7.5 As the existing contracts for floating support and services for women accommodated in refuges are due to expire in April 2010, they will need to be extended to ensure sufficient time for the procurement process to be undertaken. As detailed in paragraph 4.2, it is intended to procure floating support as part of the Families tender. It is thus necessary for the procurement of the various contracts to be synchronised. As detailed in paragraph 7.6 below, the intended commencement date for the Families contracts is 1 April 2011. The extension of the existing contracts for floating support and services for women accommodated in refuges will therefore be up to 31 March 2011 and this will be done using delegated powers.
- 7.6 The Executive in June 2009 approved the extension of existing SP contracts with I-Serve and Stadium Housing whilst a new Families tender was conducted. The extension was to 31 January 2011. Due to some slippage in the tender process for the Families tender, authority is now sought to extend the existing SP contracts with I-Serve and Stadium Housing by a further 2 months, up to 31 March 2011.
- 7.7 For the award of the contract for services for women accommodated in refuges, officers are recommending that the period for the contract is 2 years with an option for a 2 year extension, where performance is satisfactory.

8 Monitoring

- 8.1 SP funded services will be monitored by the SP Unit. The current providers are required to submit quarterly monitoring data on their performance to the SP Team and attend regular meetings for this. In addition to these meetings the SP Team will also conduct an annual Quality Assessment Framework review of the service.

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- 8.2 It is proposed that monitoring of the new contracts will be more service user centred, outcome focussed, and provide good quality services within the resources available. Annual service user satisfaction surveys will also be carried out. The future provider will also be asked to submit regular monitoring data that is required by the various statutory funding agencies, which informs the National Performance Indicators. All monitoring will be carried out by the SP Team and will also draw on stakeholder feedback. This will include appointment of a lead contract manager and annual performance review meetings.
- 8.3 It is envisaged that services joint working will be monitored through the Quality Assessment Framework and Common Assessment Framework which will have specific performance indicators and outcomes set. These will include: successfully helping women fleeing domestic violence to live independently, enabling support during difficulties by clear signposting to services; and ensuring the support worker is skilled in identifying complex needs and issues such as substance misuse and measures are in place for addressing possible child protection concerns and other complex needs.

9 Access to Services

- 9.1 Access to the newly commissioned domestic violence service for women accommodated in refuges will be through the central referral route (UK refuge line), via the police and social service.
- 9.2 Access to the Asian refuge will be for Asian women (and their children) only and vacant bed spaces will not be made available to other groups of women.

10 Pre-Tender Considerations.

- 10.1 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations have been set out below for the approval of the Executive:

Ref	Requirement	Response
(i)	The nature of the service	An accommodation based service for 25 persons accommodated in refuges for women fleeing domestic violence The Contract will be targeted to help women fleeing domestic violence who may have a range of complex needs (Mental Health needs, substance misuse issues);

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		Asian women, BMER (Black Minority Ethnic and Refugee) women fleeing domestic violence who may or may not have complex needs; single women (including BMER women) fleeing domestic violence who may have complex needs; forced marriages and women wishing to exit prostitution and trafficking	
(ii)	The future estimated value of a contract:	Up to £168K per annum for the service for 25 persons accommodated in refuges. (Up to £672k over 4 years).	
(iii)	The contract term	The contract will be for a maximum 4 year contract term - 2 years with an option to extend for a further 2 years.	
(iv)	The tender procedure to be adopted:	Formal tendering (including advertising) with a two stage (restricted) procedure leading to the appointment of provider to a contract, in accordance with the Council's Standing Orders (96(c)). Evaluation will be on the basis of the most economically advantageous tender.	
(v)	Procurement timetable	Indicative dates are:	
		Adverts placed	Feb2010
		Seminar for Interested Parties	March 2010
		Expressions of interest returned	March 2010
		Shortlist drawn up in accordance with the Council's approved criteria	April 2010
		Invite to tender	April 2010
		Deadline for tender submissions	June 2010
		Site Visits	June/July2010

		Interim Panel evaluation	July 2010
		Interviews	July/August 2010
		Final Tender Evaluation and Contract Decision	August 2010
		Report recommending Contract award circulated internally for comment	Sept/Oct 2010
		Executive approval	September/Oct 2010
		Contract award	Sept/Oct 2010
		Contract start date	1 st April 2011
(vi)	The evaluation criteria and process.	<p>Shortlists of those to be invited to tender are to be drawn up in accordance with the Council's Contract Management and Procurement Guidelines namely the pre qualification questionnaire (PQQ) and thereby meeting the Council's minimum standards of financial standing, technical capacity and professional and technical expertise.</p> <p>Award of the contract will be made on the basis of the most economically advantageous offers, with the tenders to be evaluated against the following evaluation criteria:</p> <p>Tendered Price (50% weighting)</p> <p>Quality assessment (50% weighting) using the following criteria:</p> <ul style="list-style-type: none"> • Methods of service delivery within Brent • Service User involvement and choice including the service provider's ability to respond flexibly to the specific needs of the respective service user groups and the ability to facilitate involvement of service users in the shaping and delivery of services they receive. • Methods for ensuring Quality performance and 	

		<p>good outcomes, including demonstration of how service standards will be maintained and monitored.</p> <ul style="list-style-type: none"> • Approach to working with women fleeing domestic violence with complex needs/issues, including approach to delivering flexible solutions which are responsive to varying service user needs (e.g. Substance misuse, mental health and other complex needs) with service provision for Asian women, women from all other backgrounds including women from the BMER group • Approach to Partnership working with the Council and other agencies. • Arrangements for providing quality refuge accommodation from where services will be delivered • Added Value and innovation. • Flexibility in service provision
(vii)	Any business risks associated with entering the contract.	All existing providers are locally based organisations working with women and children fleeing domestic violence, with varying needs in the borough. The contract(s) to be tendered will represent a significant portion of their business. However no particular business risks for the Council have been identified assuming there is continued funding from the CLG.
(viii)	The Council's Best Value Duties	This procurement process and on-going contractual requirement will ensure that the Council's Best Value obligations are met. Tenders will be invited to submit specific proposals on ensuring what is the most economically advantageous tender on the basis of a 50% weighting for cost and 50% weighting for quality issues. There will an assessment of detailed evaluation criteria as stated in (vi).
(ix)	Any staffing implications, including TUPE and pensions	See sections 12 and 14
(x)	The relevant financial, legal and other considerations.	The new contractor will follow the Protocol for The Procurement of Supporting People Services for Accommodation Based Services Within Brent

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10.2 The Executive is asked to give its approval to the proposals as set out in the recommendations and in accordance with Standing Order 89.

11 Financial Implications

11.1 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £500k or works contracts exceeding £1million shall be referred to the Executive for approval to invite tenders and in respect of other matters identified in Standing Order 89.

11.2 The current combined annual value of the domestic violence SP contracts (for floating support and accommodation in refuges) is £309K. It is envisaged that the number of support hours/capacity purchased may be increased. The future estimated value of the contract for the refuge services element is £168K per annum. The expectation is that re-tendering the services will lead to an increased value for money and greater efficiency savings.

11.3 There will be costs incurred in the contract process for professional advice, particularly legal. The cost of these contracts, including those for professional advice, will be funded from existing resources within the SP budget.

12. Legal Implications

12.1 The Council has the necessary powers (and in some cases, duties) to enter into the proposed contracts under (amongst other provisions) s21 and s26 of the National Assistance Act 1948, the Supporting People Grant Conditions, section 1 of the Local Government (Contracts) Act 1997 and s2 of the Local Government Act 2000, all in conjunction with s111 of the Local Government Act 1972.

12.2 The estimated values of the contract over its lifetime is in excess of £500K therefore the procurement and award of the contract are subject to the Council's Contract Standing Orders in respect of High Value contracts and Financial Regulations and, thus, Executive approval is required for the invitation to tender for the Contract. Standing Orders require a formal tender process to be followed, including advertisement and a restricted or two stage procurement process will be used.

12.3 The services to be provided under the contract are classified as Part B Services under the Public Contracts Regulations 2006 ("EU procurement Regulations") and are not therefore subject to the full application of the EU Procurement Regulations. They are however, subject to the overriding EU

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principles of equality of treatment, fairness and transparency in the award of the contracts. Non-discriminatory language must be used in the Specification, and a contract award notice will need to be sent to the Official Journal of the European Union.

- 12.4 Once the tendering process is undertaken Officers will report back to the Executive in accordance with Contract Standing Orders, explaining the process undertaken in tendering and recommending awards of contracts.
- 12.5 The Transfer of Employment (Protection of Employment) Regulations 2006, (“TUPE”) operate so as to protect the continuity of service and the terms and conditions of employees where there is a “service provision change” as defined by TUPE.
- 12.6 TUPE will also operate to protect the continuity of service and the terms and conditions of employees where there is a transfer from one organisation to another of an economic entity which retains its identity and where the employees are assigned to the economic identity which has been transferred.
- 12.7 Subject to the right of the employee to object to transferring, in the case of a service provision change the employee’s contract of employment will transfer to the organisation which has taken over the carrying out of the activities while in the case of the transfer of an economic entity the employee’s contract of employment will transfer to the organisation to which the economic entity was transferred.
- 12.8 A process of consultation and the communication of relevant information between the transferor and the transferee and the staff and their representatives is part of the transfer process that may have to take place.
- 12.9 In the present case, the existing SP contracts includes both floating support and services for people accommodated at refuges. If the contract for services for people accommodated at refuges is awarded to a new contractor, TUPE is likely to apply so as to transfer from the current to the new contractor those employees of the current contractor who spend all or most of their working time on the activities relating to services for people accommodated at refuges taken over by the new contractor. This is because the activities taken over by the new contractor are not likely to fundamentally change and given the current contractors employ some staff that spend all or most of their working time carrying out activities relating to services for people accommodated at refuges under the current contract.
- 12.10 As detailed in paragraph 7.5, it will be necessary for the existing contracts for floating support and services for people accommodated at refuges to be extended to 31 March 2011. Given the duration of the existing contracts and the duration and nature of the proposed extensions, it is considered that Officers have delegated powers to agree such extension.

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12.11 As detailed in paragraph 7.6, the Executive in June 2009 approved the extension of exiting SP contracts with I-Serve and Stadium Housing to 31 January 2011. Due to some slippage in the tender process for the Families tender, authority is now sought to extend the existing SP contracts with I-Serve and Stadium Housing up to 31 March 2011. As these contracts are Part B Services under the EU procurement Regulations, there is no breach of those Regulations in extending the contracts up to 31 March 2011.

13 Diversity Implications

13.1 Contracts currently require providers of housing support services to deliver services which are

- culturally sensitive by providing cultural awareness training for all workers, matching specific language requirements where possible and recruiting a workforce which reflects the communities of Brent;
- able to offer service users a female support worker if specifically requested

13.2 The new contract will continue to require the provider to deliver services in this way. In addition partnering arrangements with local community groups and specialist providers will be encouraged to ensure that a diverse range of services can be provided to meet the specific ethnic and cultural needs of service users. The contracts will focus on providing specialist services, for families with complex needs.

13.3 An Equalities Impact Assessment has been carried out as part of the review of tendering arrangements and as a result, provision for a refuge to meet the specific ethnic and cultural needs of Asian service users will be included in the new contract.

14 Staffing Implications

14.1 As detailed at paragraph 12.9 there are likely be TUPE implications arising from the award of the contract with TUPE applying to those staff providing a service that will be included in the tender process. Appropriate consultation with current employers will commence as soon as possible.

15 Background Papers

Supporting People Grant Conditions (CLG)
Brent Five Year Supporting People Strategy 2005/10
Strategic Review of domestic violence Services May 2009
Executive Report – June 2009

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Contact Officers

Liz Zacharias (Supporting People Lead Officer)
Supporting People
Housing & Community Care
Mahatma Gandhi House
Telephone: 0208 937 2283
Email: liz.zacharias@brent.gov.uk

Martin Cheeseman
Director of Housing and Community Care