



Executive
13 February 2012

**Report from the Director of
Strategy, Policy and Improvement**

Wards affected:
ALL

**Exemption from approval to invite tenders for Independent
Domestic Violence Advisor Service.**

1. Summary

- 1.1 This report requests exemption from approval to invite tenders as required by Contract Standing Order 88.
- 1.2 This report requests approval to the renewal of the contract for the provision of Independent Domestic Violence Advisors.

2. Recommendations

- 2.1 That the Executive agree that for the reasons set out in the detail of this report there are good operational reasons to award a contract to Advance for a 12 month period, with options to extend for two further periods of 12 months, without undertaking a further tendering in accordance with the Council's Contract Standing Orders.

3. Detail

- 3.1 On average, over the last three years, Domestic Violence has accounted for 63.2% of all reported violent offences in the London Borough of Brent, these findings mirror similar areas nationally.
- 3.2 Brent has an excellent record over many years of providing support for victims and undertaking innovative work, this is exemplified by

Brent establishing a specialist Domestic Violence Court and being one of only six to retain such a court during the recent restructure of the Criminal Justice System.

- 3.3 The provision of an Independent Domestic Violence Advisory Service is another example of good practice in the borough. However, because of the very high personal risks to individuals and their families, this service has to be of right quality. Additionally, with ever shrinking budgets, matched by increasing demands, the effective targeting of funding is essential. Contracts and performance monitoring have to be exacting with very limited margins for error or funding for future development. This makes developing providers particularly difficult and further limits the market.
- 3.4 Following extensive robust research there is recognition that as with sexual crimes there are very high levels of under reporting.
- 3.5 Domestic Violence also encompasses prostitution and trafficking. History and more recent findings in Brent show that women turn to prostitution to supplement their income when a recession bites. The opportunity to profit from this trade is not lost on traffickers, with the forthcoming Olympics offering a potential glut of customers, as has been found in previous host cities.
- 3.6 Hence, there is no indication that there will be any reduction in the demand for this service, indeed all the current indications are that in time of economic downturns family tensions rise and more incidents occur.
- 3.7 Research has estimated that the total number of victims of crimes against women in Brent in the last [12 months??] is 23,330 from within an estimated population of women aged 18 – 55 of 120,000 (?) – 19%

Number of women who have been a victim of Domestic Violence	No. Of women who have been sexually assaulted	No. Of women who have been a victim of stalking
6,369*	5,691*	11,270*

- 3.8 The same research has also estimated the cost of those crimes in Brent alone is in excess of £50m – averaging more than £2,100 per

crime. When the human and emotional cost is added, the total is significantly higher

	£
Physical & Mental health care	11,155,397
Criminal Justice	7,026,401
Social Services	1,323,208
Other- <i>Housing, civil legal, employment</i>	32,263,583
Total Financial Cost	51,768,589
Additional Human & emotional cost	165,286,584
Total Estimated Cost	217,055,173

*Data is taken from the British Crime Survey which looks at women aged 18 to 55.
Repeat victimisation is also excluded.*

3.9 Curbing Domestic Violence and supporting the victims is complex requiring, a whole range of interventions. Two key strands of work to achieve these aims are:

- ensuring victims and their families are shielded from the perpetrator and;
- wherever possible prosecuting the attacker.

3.10 Since mid year 2010 the Council's Integrated Community Safety Team (ICST), which is part of the Strategy, Partnership and Improvement Directorate, have been planning for the end of the current contract with Advance. Advance are the independent registered charity that provides support for victims of domestic violence. The initial covered from the 1st of April 2009 to the 31st March 2012

3.11 This service is highly specialised and requires very specific skills to minimise the risks to highly vulnerable victims. As a result, possible

suppliers have to meet an exacting criteria and have a provable record of reliably and safely delivering direct services.

- 3.12 Extensive efforts have been made to find and develop organisations, including working with other boroughs to deliver larger cross boundary contracts. To date these efforts have failed to expand the market. Brent is not alone in this situation, the London borough of Westminster recently tendered its Domestic Violence service and received only two responses. They invited only one of these organisations to proceed to the next step and eventually commissioned them and the other bid was deeply flawed.
- 3.13 At the beginning of the financial year we began work in earnest to have a West London contract. It was hoped that the additional pooled budget would attract not only new players into the market but also encourage smaller organisations to expand their service or move geographical areas.
- 3.14 Over the negotiation period all but three boroughs dropped out of the process. The reasons were all valid, for example all boroughs provided differing levels of service whether in-house or purchased. Those with in-house services were reluctant to make staff redundant to commission services at a time when staff numbers were being diminished and the prospect of an improved service or financial saving far from certain.
- 3.15 Harrow, Brent and Barnet joined forces and held two open days inviting potential providers to come and meet us and hear about what our requirements in general would be and what support we could offer. These were very poorly attended and only two reputable organisations attended.
- 3.16 In October 2011, as a group, the boroughs advertised for suppliers to deliver all or part of a joint contract. The December closing date yielded no tenders for the core work in the boroughs, and only limited interest in the peripheral contracts being offered by our neighbouring boroughs.
- 3.17 The deadline was extended and the invitation re-advertised in addition personal calls were made to possible providers' nation wide. The new deadline of the 17th January 2012 with no applications being forthcoming.

3.18 Because of the uncertainty and evidently few options we made a decision, guided by the legal team, to maintain an opt-out without financial cost up to the contract stage.

3.19 During this whole process we maintained and whenever possible increased communication with our current provider Advance. After discussion, they felt they could not tender for the whole contract without compromising the quality of service they already provide in the boroughs they work in, including Brent.

3.20 Despite every effort being made and very many avenues being explored, it has proved impossible to find viable organisations to make the normal tendering process work effectively.

3.21 Given the failure to obtain tenable new providers, we reviewed the quality and quantity of the service being provided in Brent and compared it to similar boroughs. Looking first at quality and risk management, the Home Office had funded two recent reviews and the service fared extremely well. The contract monitoring has gone well during all three years it has been in place. The two Domestic Homicide reviews, currently being undertaken, have laid the contract open to multi-agency scrutiny and the service has been shown to have performed well.

3.22 These independent findings matched our own view that the partnership with Advance in Brent is thriving. All of the contractual monitoring milestones have been met; these are renegotiated annually to take into account changing best practice, demand and legislation.

3.23 Turning to quantity, Advance provides 4.5 full time equivalent staff. These team members work directly with female victims and signpost male victims to out of borough services. This is common practice across London Boroughs and nationally because of the small percentage of known male victims a specific service in each area is not viable.

3.24 The Advance Team deal with on average 600 referrals a year, at any one time between them they manage and coordinate the care packages around at 100 ***very high risk victims and their children. At the time of writing this report 109 victims fall into this group with 274 children and teens being supported through the help provided to their mothers. Without this input, Brent's well above

average detection, sanction and conviction rate could not be maintained.

Example data:

Monitoring Area	Brent	Comparator Data
Sanction & Detection (rolling year as at December 2011)	39%	35% London wide
Conviction (annual average to November 2011)	89% (specialist court)	58% (none specialist court)

3.25 The Independent Domestic Violence Advisors (IDVAs) are based at Kilburn Police Station. The Police host the service as their in kind contribution. This arrangement has the added advantage that they are predominantly present to support victims during the investigation from the outset.

3.26 When the office is not staffed Advance provide a 24 hour assistance line to advise professionals, mainly Police, Health and Social Services and on-call staff.

3.27 Given the lack of viable market in this sector for tendering and that the review of the current arrangements has shown that current arrangements offer a good service to the Council, the Executive is asked to agree that there are good operational reasons for awarding a new contract to Advance without further tendering the contract in accordance with the usual processes set out in Contract Standing Orders.

3.28 It is proposed that the new contract will commence on **[insert date]** and will initially be for a 12 month period with an option to extend for two further 12 month periods. This will give the flexibility to review the contract, funding arrangements and market for tendering on each anniversary. The same robust monitoring will be in place and working with other boroughs and partners such as the Police, Probation and the NHS, we will explore ways of expanding and developing future options.

4. Financial Implications

- 4.1 The service provided by Advance costs £295,800 each year to deliver with £70,000 coming from the Council and the remaining £225,800 being raised through a variety of charitable means.
- 4.2 Over three years, the Council's support therefore amounts to £210,000. There are no proposals to amend this budget over this period but the Council retains flexibility to do so over after 2012/13
- 4.3 Having compared the service in terms of quality and quantity against our own matrix and compared ourselves to the West London cohort of boroughs this proposal is excellent value.

5. Legal Implications

- 5.1 The proposed contract with Advance for Independent Domestic Violence Advisors is a Part B services contract under the Public Contract Regulations 2006 ("the Regulations") and the contract therefore is not subject to the full application of the Regulations. It is however, subject to the overriding EU principles of equality of treatment, fairness and transparency in the award process. The lack of response to the tender process undertaken by Barnet indicates that the contract is very unlikely to be of interest across the EU and accordingly there is no requirement to undertake further advertising of the contract.
- 5.2 The Council's Contract Standing Orders require that contracts valued above £173,934 be procured by tendering with advertising. However, Standing Order 84(a) provides that the Executive may decide that a contract need not be procured in accordance with the Council's Contract Standing Orders if there are good financial and/or operational reasons for this. It is therefore open for the executive to agree the recommendation in 2.1.

6. Diversity Implications

- 6.1 The contract requires that Advance adheres in practice and spirit to all of the diversity strands, this forms an important part of the monitoring process.
- 6.2 On a practical level Advance and the Integrated Community Safety team monitor the referrals and those provided with a service. This is measured against the known communities in Brent and those identified through research as being particularly at risk.

6.3 All of the seven areas are monitored and solutions sought.

6.4 We are currently aware of under reporting from people in same gendered relationships and are working with partners, especially the Police and NHS to address this.

6.5 Specialist services are provided to meet cultural needs, there is also a referral service for victims with disabilities and those at each end of the age spectrum.

7. Procurement

7.1 The Procurement Team have advised on this process and current report. They will play a key role in the next steps around this work.

8. Background Papers

None

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