

Birmingham City Council

Report to Cabinet

27 June 2023



Subject: DOMESTIC ABUSE - PART 4 DOMESTIC ABUSE ACT 2021- DUTY ON LOCAL AUTHORITY – YEARS 3-4 FUNDING

Report of: Professor Graeme Betts, CBE
Strategic Director for Adult Social Care

Relevant Cabinet Member: Cllr Nicky Brennan - Social Justice, Community, Safety, and Equalities

Relevant O&S Chair: Cllr Shabrana Hussain - Neighbourhoods

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Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 011493/2023		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:		

1 Executive Summary

- 1.1 To seek approval for a Section 31 grant received from the Department for Levelling Up, Housing and Communities (DLUHC) to Birmingham City Council to discharge its duty under Part 4 Domestic Abuse Act 2021. The duty relates to the provision of support to victims of domestic abuse (DA) and their children residing within safe accommodation. The grant is for 2 years but will be given on an annual basis: £3,337,493 for 23/24 and £3,400,462 for 24/25. The official Memorandum of Understanding was sent out in March 2023.
- 1.2 This year Local Authorities have been awarded 2 years' funding. However future funding levels may differ subject to the comprehensive spending reviews.
- 1.3 The funding approach for 2023 - 2025 is set out within the main body of this report. **Appendix 1** provides details of the funding approach undertaken in years 1 and 2, and a full value of the contract modifications. **Appendix 2** is the Equality Assessment.
- 1.4 The grant was received on 17th April for 12 months to 31st March 2024. The year 4 grant is expected to be received in April 2024 for 12 months to 31st March 2025.

2 Recommendations

That Cabinet:

- 2.1 Provides retrospective approval for the grant received from DLUHC of £3,337,493 to enable the Local Authority to continue to discharge its duty under Part 4 Domestic Abuse Act 2021 for year 2023 - 2024. We also seek approval to accept £3,400,462 in April 2024 to continue to discharge the duty for the year 2024 – 2025.
- 2.2 Continues to delegate to Strategic Director of Adult Social Care to approve the contract modifications and grants.
- 2.3 Approves the delivery of this duty using the funding.

3 Background

- 3.1 Part 4 of the Domestic Abuse Act 2021 sets out a new statutory duty on Local Authorities relating to the provision of support to victims of domestic abuse and their children residing within safe accommodation.

The new duty on Local Authorities aims to ensure that all victims of domestic abuse have access to the right support within safe accommodation when they need it.

- 3.2 It places requirements on Tier One authorities, to appoint a multi-agency Local Partnership Board (LPB) to support them in performing certain specified functions. These include:
 - Assess the need for accommodation-based support for all victims and their children, including those who require cross border support.

- Prepare and publish strategies for the provision of support to cover the locality and diverse groups of victims.
- Give effect to strategies by making commissioning/de-commissioning decisions to meet the support needs of victims and their children.
- Monitor and evaluate local delivery of the strategy.
- Report back to Central Government outlining how the functions have been executed under the new duty as above and evidencing spend against this with delivery at a local level.

Spending for years 1 and 2

Please see below a table outlining the use of funding to date (full details can be found in **Appendix 1**):

	Contract modifications	Community Grants Prospectus
Year 1 2021/2022 £3.2 million	<ul style="list-style-type: none"> • Relieve pressure on existing services, by enhancing support provision/bridging gaps for victims in commissioned safe accommodation. • Existing contracts with domestic abuse commissioned providers were varied. • Support included Children and Young People's workers, Independent Domestic Violence Advocates (IDVAs) and therapeutic support for victims. • The total value of this support provision was £2,160,401.66. 	<ul style="list-style-type: none"> • Creating opportunities for community DA organisations, including 'by and for' services to bid for smaller grants to provide support to victims. • Grant call opened January 2022 with 3 lots namely: <ul style="list-style-type: none"> -Projects to provide support in safe accommodation under the new duty -Projects that met other gaps identified in the initial need's assessment findings -Projects that provided prevention and early intervention support in line with the corporate prevention and early intervention priority. • Following the grant call, 29 bids were received from organisations across Birmingham. Successful projects include support for Asian, Black and marginalised ethnic women, counselling for South Asian women in their community language delivered by a 'by and for' service, and support for victims with learning disabilities. • These projects commenced in August 2022 to 31st July 2023. Subject to satisfactory performance, they will be extended for a further 12 months. • The total value of these grants is £635,309.19

Year 2 2022/2023 £3.2 million	<ul style="list-style-type: none"> Following evaluation of the support provision, successful projects were extended to continue the support for victims. Modifications were extended to deliver support until 30th November 2023, in line with the Vulnerable Adults Housing and Wellbeing (P0577) contracts. 	<ul style="list-style-type: none"> A second grant call was published under the same Lots as above, plus with opportunities for any projects providing specific cost of living support to victims of DA. 26 bids were assessed and have been approved by Social Justice Board. Successful projects include counselling for children and adults, outreach to Black and Marginalised women in the community, and raising awareness through theatre in schools. Year 1 projects will be evaluated against their projected outcomes in June and extended for 12 months if performance has been satisfactory.
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Proposed approach for years 3 and 4

- 3.3 £3.3m has been received for 2023/2024, and £3.4m has been committed from DLUHC for 2024/25, for the purpose of and the expectation that we continue to fulfil our relevant functions under the duty. Funding for subsequent years has not been confirmed. Although the funding has been announced for two years, it is being given to local authorities on an annual basis. We have met with procurement colleagues about our approach to this.
- 3.4 For year 3, our approach will be to strengthen and embed support provision for victims of domestic abuse residing in safe accommodation across the city, in line with our statutory duty. This will mean extending modifications to 30th November 2024, in line with the contract end date for the Vulnerable Adults Housing and Wellbeing (P0577) contracts, which the Domestic Abuse contracts sit under.
- 3.5 Work to recommission the above Vulnerable Adults Housing and Wellbeing services has commenced and it is intended that new Domestic Abuse commissioned services will be in place by December 2024. This means that in year 4, our intention is to have designed the new domestic abuse contracts to meet the statutory duty.
- 3.6 Alongside the commissioned support for victims in safe accommodation we would also seek to continue to grant fund the Community Grants Prospectus for these two years, supporting where possible projects that meet the duty and support prevention and early intervention.

4 Options considered and Recommended Proposal

4.1 Bid options

Not to accept the grant would have a detrimental impact on the Local Authority's ability to continue to discharge its statutory duty under Part 4 of the

Domestic Abuse Act 2021 and may negatively impact on victims of domestic abuse and their children residing in safe accommodation.

To accept the grant. This would enable Birmingham City Council to continue to discharge its statutory duty under Part 4 of the Domestic Abuse Act 2021 and will positively impact on victims of domestic abuse and their children residing in safe accommodation. This is the preferred option.

4.2 Commissioning options

Deliver the services in house- this is not an option as the Council does not have the specialist expertise to do this.

Procure the service – this is not an option because of the time-limited nature of the grant. Formal notification of the grant is given in April. Despite having assurance of 2 years of funding, these are released annually, and we have to commit the monies within 12 months of receipt.

Modify contracts to deliver the service – this is the preferred option as it gives the flexibility needed, and existing commissioned providers continue to provide good support services for victims of domestic abuse. Following a meeting with procurement colleagues, this is the recommended approach whereby in year 3 existing contracts will be modified until 30th November 2024. For year 4 new domestic abuse contracts will be in place, following a full procurement, and suitable contracts will be designed and put in place to fulfil the duty.

In addition to modifying the contracts it is recommended that the grant is retrospectively accepted, and support be given to the approach set out.

5 Consultation

- 5.1 External consultation and discussion with partners have taken place on a regular basis at the Domestic Abuse Local Strategic Partnership Board, chaired by Councillor Cotton.
- 5.2 Domestic Abuse Commissioned partners were consulted via quarterly contract review meetings and regular meetings were held with internal colleagues from the Neighbourhoods directorate and Birmingham Children's Trust.
- 5.3 Cabinet Members for: Health & Social Care; Children, Young People & Families: and Housing and Homelessness have been consulted and support this proposal.

6 Risk Management

- 6.1 Risks will be identified, evaluated and controlled in line with the Birmingham City Council Risk Management Methodology 2017.
- 6.2 A full Risk Register has been developed as part of the project management of this recommissioning. The project management, governance and oversight of this recommissioning will be through the Social Justice Commissioning Board chaired by the Assistant Director Commissioning (Adult Social Care) and will report

through to the Adults Social Care Management Team chaired by the Director for Adults Social Care.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 A Prosperous Birmingham: by deploying the funding to provide additional support for victims of domestic abuse we will invest and create local jobs. This will allow local people to develop skills and make the best of economic growth.
- 7.1.2 An Inclusive Birmingham: equalities is embedded across our funded services, and our support meets needs of all victims of domestic abuse, and spans continuum from prevention and early intervention to crisis support. Specialist services include counselling to South Asian women in their community language, outreach to Black and marginalised women, and support for women with learning disabilities.
- 7.1.3 A Safe Birmingham: domestic abuse is an insidious crime, which touches many lives in Birmingham. It is the third highest cause of homelessness, and the highest reason for referrals to Birmingham Children's Trust. Providing support for victims of domestic abuse creates a safer Birmingham.
- 7.1.4 A Healthy Birmingham: domestic abuse can have an enormously negative impact on the mental health of a victim. Providing specialist support that meets the multiple and complex needs of victims, ensures that victims can continue on the pathway from recovery to resilience.

7.2 Legal Implications

Part 4 Domestic Abuse Act 2021 places a statutory duty on Local Authorities relating to the provision of support to victims of domestic abuse and their children residing within safe accommodation. This report sets out progress being made on the implementation of this duty and the utilisation of the funding to meet this.

7.3 Financial Implications

- 7.3.1 Funding for the commissioned activity outlined will be met from external funding of £3,337,493 for 23/24 and £3,400,462 for 24/25 which will be received via a Section 31 grant from DLUHC to meet the new statutory duty as set out in Part 4 Domestic Abuse Act 2021.
- 7.3.2 The grant was distributed to Local Authorities for the period from 1st April 2023 to 31st March 2024. The next grant is expected to be released in April 2024, to be committed 1st April 2024 to 31st March 2025 only, and for the purpose of and the expectation that they continue to fulfil their relevant functions under the duty.

- 7.3.3 Although the grant is paid on a financial year basis, i.e., 1 April to 31 March, mobilisation of services to meet the new duty did not happen until November. Consequently, the spend of each year's grant is on a November to October basis, with an appropriate amount of money from the grant held in reserves each year.
- 7.3.4 Existing contract modifications and grants which provide support will be extended subject to satisfactory evaluation.
- 7.3.5 The remaining funds will be spent on administrative support, supporting specialised organisations which address gaps arising from the needs assessment and consider equality and diversity and carrying out a universal and targeted communications campaign on domestic abuse and the services we offer.
- 7.3.6 Reporting on the implementation of the duty and spend will be expected to both Section 151 officer and the national accountable body that has been set up to provide national oversight of the delivery of the new duty.
- 7.3.7 All commitments are temporary; further extensions and continuation of provision will be dependent on future grant funding amounts.

7.4 Procurement Implications (if required)

- 7.4.1 Adult Social Care will lead on commissioning, in consultation with Procurement colleagues. Commissioning will be through a mix of modifications to existing contracts and grant awards.
- 7.4.2 For Year 3, delivery will be via modifications to existing contracts that deliver housing and wellbeing support to victims of domestic abuse; project reference P0577. The contract period for these contracts is 1st December 2019 until 30th November 2024.
- 7.4.3 For Year 4, new Domestic Abuse commissioned services will be in place by December 2024. Our intention will be to design these new contracts to meet the statutory duty.
- 7.4.4 The Cabinet report dated 16th April 2019 Putting Prevention First: Commissioning and Procurement Strategies for Vulnerable Adults Housing and Well-being Support delegated the approval of these extensions to the Cabinet Members for Health and Social Care, Finance and Resources jointly with the Director of Adults Social Care, in conjunction with the Chief Finance Officer, City Solicitor and the Assistant Director of Development and Commercial (or their delegates) subject to funding availability and satisfactory performance.
- 7.4.5 The modifications set out in **Appendix 1** will be incorporated in the contract extensions referred to above. Regulation 72. (1) of the Public Contract Regulations provides that "Contracts and framework agreements may be modified without a new procurement procedure...in any of the following

cases...(b) for additional works, services or supplies by the original contractor that have become necessary and were not included in the initial procurement, where a change of contractor... (ii) would cause significant inconvenience or substantial duplication of costs for the contracting authority, provided that any increase in price does not exceed 50% of the value of the original contract.”

7.4.6 This circumstance complies with Regulation 72(1)(b)(ii) as set out in **Appendix 1**; the costs of the modifications do not exceed the 50% tolerance.

7.4.7 Modifying the Vulnerable Adults Housing and Wellbeing contracts means the required conditions would be fulfilled.

7.4.8 Service Lead Commissioners in Adult Social Care agree with the proposed modifications.

7.5 Human Resources Implications (if required)

7.5.1 The contract management will be undertaken by staff within Adult Social Care.

7.6 Public Sector Equality Duty

7.6.1 An Initial Impact Assessment has been carried out and no adverse impacts have been identified and a Full Impact Assessment is not recommended at this stage (see **Appendix 2**)

7.7 Environmental and Sustainability Implications

7.7.1 None

8 Appendices

8.1 Appendix 1: Approach and funding to date

8.2 Appendix 2 - Equality Impact Assessment

9 Background Documents

9.1 DLUHC (formerly MHCLG) Draft Statutory guidance on Part 4 Domestic Abuse Act 2021

<https://www.gov.uk/government/publications/domestic-abuse-support-within-safe-accommodation/delivery-of-support-to-victims-of-domestic-abuse-in-domestic-abuse-safe-accommodation-services>

9.2 Cabinet report 12th October 2021: Domestic Abuse - Part 4 Domestic Abuse Act 2021 – New Duty on Local Authority (Forward Plan Reference: 009315/2021)

9.3 Cabinet report 28th June 2022: Domestic Abuse - Part 4 Domestic Abuse Act 2021 - Duty on Local Authority Year 2 Funding (Forward Plan Reference: 010230/2022)