

# Birmingham City Council

## Report to Cabinet

28<sup>th</sup> June 2022



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**Subject:** DOMESTIC ABUSE - PART 4 DOMESTIC ABUSE ACT 2021- DUTY ON LOCAL AUTHORITY – YEAR 2 FUNDING

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

**Relevant Cabinet Member:** Cllr John Cotton - Social Justice, Community, Safety, and Equalities  
Cllr Yvonne Mosquito - Finance & Resources

**Relevant O &S Chair(s):** Cllr Mohammed Idrees - Housing & Neighbourhoods  
Cllr Akhlaq Ahmed - Resources

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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: 010230/2022		
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 value of the grant is £3,272,039.
- 1.2 The year 2 grant was received on 1st April 2022 12 months to 31st March 2023. DLUHC indicate that the grant award is likely to continue be an annual grant allocation, although future funding levels may differ subject to the comprehensive spending reviews.
- 1.3 The funding approach for 2022/2023 is set out within the main body of this report and further illustrated by **Appendix 1**. **Appendix 2** provides details of the funding approach undertaken in year 1, and a full value of the contract modifications. **Appendix 3** is the Equality Assessment.
- 1.4 The grant was received on 1<sup>st</sup> April 2022 for 12 months to 31<sup>st</sup> March 2023.

## **2 Recommendations**

That Cabinet

- 2.1 Provides retrospective approval for the grant received from DLUHC of £3, 272,039 to enable the Local Authority to continue to discharge its duty under Part 4 Domestic Abuse Act 2021.
- 2.2 Delegate to Director of Adult Social Care to approve the contract variations and grants.
- 2.3 Approves the delivery of this duty using the funding, as set out in **Appendix 1**.

## **3 Background**

- 3.1 Part 4 of the Domestic Abuse Act 2021 set 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.
- 3.3 To discharge this new duty in year 1(2021/2022), a grant of £3,272,039 was received by Birmingham City Council. For year 2, a grant of the same amount has been received for the period from 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023 only and 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.
- 3.4 In 2021/2022, in line with the new duty, funding was deployed to relieve pressure on existing services, by enhancing support provision/bridging gaps for victims in commissioned safe accommodation and enhancing delivery within Housing and Birmingham Children's Trust. Existing contracts with domestic abuse commissioned providers were varied. Support included Children and Young People's workers, Independent Domestic Violence Advocates (IDVAs), a male support worker for male victims, and therapeutic support for victims. The total value of this support provision was £2,160,401.66. Full details are outlined in **Appendix 2**.
- 3.5 A Community Grants Prospectus was also developed, with the aim of creating opportunities for community DA organisations, to bid for smaller grants to provide support to victims. Such organisations often do not meet council procurement thresholds yet provide vital support to victims and their children, who have protected characteristics. This provision included support for Asian, Black and marginalised ethnic women, counselling for South Asian women in their community language, and support for victims with learning disabilities. The total value of these grants is £635,309.19. Full details of the grants are outlined in **Appendix 2**.
- 3.6 With year 2 (2022/2023) funding, our intention is to embed support for victims of domestic abuse by extending the enhanced support provision provided by our commissioned domestic abuse services in line with the original contract period under the Vulnerable Adults contract, until 30<sup>th</sup> November 2022. Following evaluation of these contracts we will look to exercise the option to extend for a further period.
- 3.7 A similar approach will also be taken through the community grants prospectus, where our intention subject to satisfactory performance, will be to

extend for a further year, the specialist domestic abuse community grants projects. We will also seek to fund services that fill additional gaps identified in the needs assessment via a further grant call in 2022/2023. For example, Birmingham LGBT, to commission support for LGBT+ victims, organisations that support those with disabilities and those that support deaf victims. To support organisations who were unsuccessful in the first grant call and other smaller organisations we will deliver online capacity building workshops.

- 3.8 The initial findings of the needs assessment indicated the need to have better communications about the range of domestic abuse services in the City including the support available for male victims and as a result we will also utilise funding to raise awareness of these services through a universal and targeted communications campaign.
- 3.9 The scope of the funding focuses on crisis support for those in safe accommodation, however where possible and within the parameters of the funding we will look to support projects that consider prevention and early intervention which aligns with the Council's Prevention and Early Intervention programme. **Appendix 1** provides further detail on the approach to be deployed.

## **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 was only given on 5<sup>th</sup> April 2022, and is only available for 12 months. If the money is not spent in this time then the grant funding will be lost. To undertake a procurement would mean losing at least three months of the grant period and would therefore compromise the value for money that could be delivered. This in turn would impact on the support available to victims of domestic abuse.

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.

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 Brennan, Cabinet advisor for domestic abuse.
- 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 The Vulnerable Adults Citizens Panel has been consulted and have agreed with the approach for year 2.
- 5.4 Cabinet Members for Health & Social Care; Children, Young People & Families and Housing & 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?**

The recommended proposal supports the delivery of one or more of our Council's priorities as set out in the Birmingham City Council Plan 2022:

- Birmingham is an entrepreneurial city to learn, work and invest in - 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.

- Birmingham is an aspirational city to grow up in - by providing specialist support to address the traumatic experiences of children living with or witnessing domestic abuse, we will intervene to support children to address, recover from domestic abuse and become resilient. Working with the Children's Trust, this will enable children and young people affected by domestic abuse to achieve the best outcomes in childhood and inspire them to be ambitious and achieve their full potential.
- Birmingham is a fulfilling city to age well in – vulnerable victims of domestic abuse will be supported to recover, become resilient and move on in their journey to be independent citizens who can have real control over their lives and well-being once again.
- Birmingham is a great city to live in - we will work with our partners to use this funding to support victims of domestic abuse in safe accommodation and help build a City that supports victims to live happier, healthier and more independent lives in their own communities.
- Birmingham residents gain the maximum benefit from hosting the Commonwealth Games: We will work closely with the Commonwealth Games Team to ensure through our links with the Pure project, that victims of domestic abuse, who are on the road to recovery, can be considered for volunteering development opportunities, thus maximising the benefits of a sustainable Games legacy in the city.

## **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**

- Funding for the commissioned activity outlined will be met from external funding of £3,272,039 which has been received via a Section 31 grant from DLUHC to meet the new statutory duty as set out in Part 4 Domestic Abuse Act 2021.
- The grant was distributed to Local Authorities for the period from 01<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023 only and for the purpose of and the expectation that they continue to fulfil their relevant functions under the duty.
- Existing contracts variations and grants which provide support will be extended subject to satisfactory evaluation. The total value of the support provision through contract variation is £ 2,752,592.66.

- 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.
- 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.
- New burdens must be funded or not undertaken, and as such all commitments are temporary; further extensions and continuation of provision will be dependent on future grant funding amounts.

#### 7.4 Procurement Implications

- 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.
- 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 1<sup>st</sup> December 2019 for three years until the 30<sup>th</sup> November 2022, and subject to satisfactory delivery, the intention is to exercise the option to extend these contracts for a further 2 years. The cabinet report dated 16<sup>th</sup> 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.
- The modifications set out in **Appendix 2** 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.”

- This circumstance complies with Regulation 72(1)(b)(ii) as set out in **Appendix 2**, the costs of the modifications do not exceed the 50% tolerance.
- Modifying the Vulnerable Adults Housing and Wellbeing contracts means the required conditions would be fulfilled.
- Service Lead Commissioners in Adult Social Care agree with the proposed modifications.

#### 7.5 **Human Resources Implications (if required)**

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

#### 7.6 **Public Sector Equality Duty**

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 3**)

### 8 **Appendices**

**Appendix 1** - To detail our approach to utilising the funding

**Appendix 2** - Projects funded to date in year 1.

**Appendix 3** - Initial Equality Impact Assessment

### 9 **Background Documents**

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>