

REQUEST FOR DIRECTOR DECISION – DD2589

Title: Domestic abuse support in safe accommodation – grants programme: psychologically informed environments

Executive summary:

Part 4 of the Domestic Abuse Act 2021 includes a duty on Tier 1 authorities (the GLA in London) to support victims/survivors of domestic abuse in refuges and other safe accommodation. Key elements of the duty are to produce a strategy and to give effect to that strategy through commissioning decisions.

The Department for Levelling Up, Housing and Communities (DLUHC) has allocated administration and support funding to the GLA to support it in discharging its duty: £20,745,496 in 2022-23, and £20,688,230 in 2021-22. The receipt and expenditure of this funding was approved via MD2788 and MD2967 respectively.

The London Domestic Abuse Safe Accommodation Strategy was published in December 2021 (approved via MD2902), and the GLA has commissioned numerous services under the new duty. A new grants programme will be launched shortly, enabling support providers to ensure that safe accommodation for victims/survivors of domestic abuse provides psychologically informed environments.

Approval is sought for an exemption from section 9 of the GLA's Contracts and Funding Code. It is proposed that there will be a single-source procurement of the London Charity Foundation (LCF) to administer this grants programme on behalf of the GLA, with funding to support providers of up to £750,000 in total. The justification for this single source is a complete absence of competition. The grant funding, and the cost of the LCF's services (6 per cent of the level of grants disbursed – a maximum of £45,000) will come from the 2022-23 DLUHC funding of £20,745,496.

Decision:

That the Executive Director of Housing and Land approves an exemption from section 9 of the GLA's Contracts and Funding Code on the grounds of complete absence of competition; with a single-source procurement of the LCF to administer grant-funding of up to £750,000 to service providers. This funding will enable safe accommodation for victims/survivors of domestic abuse, and the provision of psychologically informed environments. The funding, and the cost of the LCF's services (6 per cent of the level of grants disbursed – a maximum of £45,000), will come from the £20,745,496 of 2022-23 funding allocated to the GLA by the government for discharging its duty under the Domestic Abuse Act 2021.

AUTHORISING DIRECTOR

I have reviewed the request and am satisfied it is correct and consistent with the Mayor's plans and priorities. It has my approval.

Name: Tim Steer

Position: Executive Director, Housing and Land (Interim)

Signature:



Date:

2/8/22

PART I – NON-CONFIDENTIAL FACTS AND ADVICE

Decision required – supporting report

1. Introduction and background

- 1.1. Part 4 of the Domestic Abuse Act 2021 (the 2021 Act) came into force on 1 October 2021. It confers a statutory duty on Tier 1 authorities (the GLA in London) to support victims/survivors of domestic abuse in safe accommodation. The Domestic Abuse Support (Local Authority Strategies and Annual Reports) Regulations 2021 (the 2021 Regulations) also came into force on 1 October 2021.
- 1.2. The key functions required of Tier 1 authorities – as outlined in the 2021 Act, the 2021 Regulations and statutory guidance – include preparing, publishing and keeping under review a strategy for accommodation-based support for survivors of domestic abuse and their children. They also require Tier 1 authorities to give effect to the strategy in carrying out their functions through commissioning and decommissioning decisions.
- 1.3. The Department for Levelling Up, Housing and Communities (DLUHC) has allocated administration and support funding to the GLA to support it in discharging its duty: £20,745,496 in 2022-23, and £20,688,230 in 2021-22. The receipt and expenditure of this funding was approved via MD2788 and MD2967 respectively.
- 1.4. Informed by a London needs assessment and consultation with stakeholders, the Mayor's strategy for the provision of accommodation-based domestic abuse support in London was published in December 2021 (approved via MD2902).
- 1.5. The GLA has commissioned numerous services under the new duty. Mayoral approval (via MD2788 and MD2842) was given to grant-fund 21 London boroughs and nine service providers, enabling them to continue (in 2021-22) services directly funded by the DLUHC in 2020-21. Following negotiations on these 2021-22 grants, boroughs and providers received £3.475m and £1.343m respectively: a total of £4.818m. Approval was subsequently given (via MD2967) to continue providing this grant funding in 2022-23 (up to £5m). In addition, the GLA has set up a framework of service providers and allocated £11,556,811 of the 2021-22 funding through the first call-off from the framework for a range of services (approved via MD2898 and MD2967).
- 1.6. It is proposed that grant-funding of up to £750,000 (of the £20,745,496) is made available to enable service providers supporting victims/survivors of domestic abuse to provide psychologically informed environments (PIE) in safe accommodation. The programme would commence in August 2022, with funding disbursed by 31 March 2023. Funding would strictly be for items that are revenue-eligible and not covered by landlord/building-owner responsibilities. The programme will be funded from the £20,745,496 referred to in paragraph 1.3. Approval for this grants programme has been given by the Executive Director of Housing and Land under the delegation set out in MD2967.
- 1.7. Managing the grants programme will involve intensive engagement with a large number of organisations – many of which will be small/by-and-for organisations – to promote the fund and provide guidance on processes. It will also involve running a bidding and bid-evaluation process; carrying out due diligence; and performing associated contract management activities. It will also require strong knowledge of issues pertinent to domestic abuse; intersectional, gender-informed service delivery; and grassroots providers across London

- 1.8. An external fund manager will be procured to administer the programme. It is essential that the organisation has the specialist knowledge, understanding and experience of the domestic abuse provider sector, including by-and-for providers, and strong fund management experience.
- 1.9. A previous procurement for comparable work, undertaken by the Mayor's Office for Policing and Crime (MOPAC), has demonstrated that the London Charity Foundation (LCF) is the only organisation with the required knowledge, understanding and proven track record of administering grants programmes within the domestic-abuse sector. A similar programme to the one proposed in this DD, procured by MOPAC in summer 2019 (the VAWG Grassroots Fund), elicited no bids that demonstrated the required knowledge and experience – apart from the LCF's bid. In the continued absence of other organisations possessing the required knowledge and experience, MOPAC has since varied the LCF's contract four times.
- 1.10. It is therefore proposed that a contract be directly awarded to the LCF without a prior procurement exercise. Under that contract, the LCF would act as the fund manager to administer the PIE grants programme. Under this arrangement, the LCF would hold the £750,000 funding on trust for the GLA. The cost of the LCF's services will be 6 per cent of the level of grants disbursed. Approval is sought, therefore, for an exemption from section 9 of the GLA's Contracts and Funding Code (the Code), on the grounds of complete absence of competition.

2. Objectives and expected outcomes

- 2.1. The key objective of the single-source exemption is to enable the administration of a grants programme for PIE that is located within safe accommodation for victims/survivors of domestic abuse. This will contribute to meeting one of the six key objectives in the Mayor's Domestic Abuse Safe Accommodation strategy, namely: 'That victims/survivors can access physically and psychologically safe spaces.' It is in line with policy 9.1.3 of the strategy, namely: 'The quality of the fabric of existing refuges and other safe crisis accommodation should be improved.'
- 2.2. Key outcomes and outputs for 2022-23 will include:
 - appointment of an external fund manager to administer grant-funding of up to £750,000 for service providers
 - market engagement to provide guidance and promote the fund
 - procurement of revenue services to provide PIE that enables safe accommodation for victims/survivors of domestic abuse
 - implementation of end-to-end management of the grant-funding process
 - completion of performance-associated contract-management activities, including final reporting outlining overall impact and benefits of the fund
 - improvement of safe accommodation provision where victims/survivors can access physically and psychologically safe spaces to aid recovery.

3. Equality comments

3.1. Under section 149 of the Equality Act 2010, as public authorities, the Mayor and the GLA are subject to a public-sector equality duty and must have 'due regard' to the need to:

- eliminate unlawful discrimination, harassment, and victimisation
- advance equality of opportunity between people who share a relevant protected characteristic and those who do not
- foster good relations between people who share a relevant protected characteristic and those who do not.

3.2. Protected characteristics under section 149 of the Equality Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage or civil partnership status (all except the last being 'relevant' protected characteristics).

3.3. Characteristics of survivors of domestic abuse (national figures) are as follows:

- Gender: women are much more likely than men to be the victims of high-risk or severe domestic abuse. Three-quarters of domestic abuse homicide victims in London between 2005 and 2020 were women.
- Age: younger people are more likely to be subject to interpersonal violence. Most high-risk victims are in their 20s or 30s. Those under 25 are the most likely to suffer interpersonal violence.
- Pregnancy: nearly one in three women who suffer from domestic abuse during their lifetime report that the first incidence of violence happened while they were pregnant.
- Separation: domestic abuse is highest amongst those who have separated, followed by those who are divorced or single.
- Drug and alcohol use: victims of abuse have a higher rate of drug and/or alcohol misuse (whether it starts before or after the abuse); at least 20 per cent of high-risk victims of abuse report using drugs and/or alcohol.
- Mental health: 40 per cent of high-risk victims of abuse report mental health difficulties.

3.4. Given the above, the proposals in this paper are likely to have positive impacts on a number of groups with protected characteristics. First, the grant-funding will facilitate improvements in support for victims/survivors of domestic abuse (who are more likely than the general population to be women and to have mental health support needs). Second, the LCF has the track record and expertise to reach specialist providers, including by-and-for providers, that specifically work with victims/survivors who have protected characteristics. The equalities implications will be kept under review throughout this programme of work.

3.5. An equalities impact assessment was undertaken and published with the strategy.

4. Other considerations

Key risks and issues

4.1. Table of risks and issues

Risk description	Rating	Mitigating action
Lack of provider interest in this grant programme.	Green	The needs assessment and strategy identified a need for funding in this area, based on extensive consultation with providers and service users. Also, the LCF is experienced at reaching out to the types of organisations that could benefit from the programme.
The LCF may not have the expertise, experience or capacity to deliver services effectively.	Green	The single-source procurement of the LCF is specifically because of its uniqueness in having the expertise and track record needed to deliver this programme. In addition, contracting and contract monitoring processes will include setting clear objectives for the LCF and ensuring that poor performance is identified and rectified quickly and appropriately.

Links to Mayoral strategies and priorities

4.2. The objectives of the proposals are in line with:

- the Mayor's London Housing Strategy, policy 7.2c
- MOPAC's Police and Crime Plan 2017-21 (tackling violence against women and girls (VAWG) is one of three priority areas for action to protect people at especially high risk of crime)
- MOPAC's VAWG Strategy.

4.3. New versions of the Mayor's Police and Crime Plan, and the VAWG Strategy, have been published this year.

Impact assessments and consultations

4.4. Both the [London Housing Strategy](#) and the [VAWG Strategy](#) were subject to public consultation and equalities impact assessments. These strategies contain policies relating to pan-London provision of safe accommodation for victims of domestic abuse.

4.5. The development of the draft and final versions of the London Domestic Abuse Safe Accommodation Strategy involved extensive consultation with a wide range of stakeholders. This includes those with whom the 2021 Act requires the GLA to consult on the draft strategy: the London Domestic Abuse Safe Accommodation Partnership Board appointed by the GLA; the London boroughs; and such other persons as the GLA considers appropriate. There was also in-depth consultation and engagement during the development of the London Domestic Abuse Safe Accommodation Needs Assessment, which provides much of the data and information informing the proposals in the London Domestic Abuse Safe

Accommodation Strategy. MOPAC also convened a series of stakeholder workshops with boroughs and service providers on the commissioning approach and process.

- 4.6. As state above, an equalities impact assessment was undertaken and was published with the strategy.

Conflicts of interest

- 4.7. The officers involved in the drafting and clearance of this form have identified no known conflicts of interest.

5. Financial comments

- 5.1. This decision requests a single-source exemption from the Code due to an absence of competition with the LCF.
- 5.2. The revenue expenditure will include: £750,000 to administer grant-funding to service providers to enable safe accommodation for victims/survivors of domestic abuse; and a maximum of £45,000 to fund the cost of the LCF's services (6 per cent of the level of grants disbursed) as approved via the delegation in MD2967.
- 5.3. The expenditure above will be funded from the 2022-23 DLUHC funding – £20,745,496 – received and approved by MD2967.

6. Legal comments

Power to undertake the requested decisions

- 6.1. Part 4 of the 2021 Act received Royal Assent on 29 April 2021 and commenced on 1 October 2021.
- 6.2. Section 57(1)(b) of the 2021 Act provides that a relevant local authority (which in London is the GLA) must prepare and publish a strategy for the provision of accommodation-based domestic abuse support in its area.
- 6.3. Section 57(3) of the 2021 Act provides that a relevant local authority that publishes such a strategy must, in carrying out its functions, give effect to that strategy.
- 6.4. Section 17 of the Crime and Disorder Act 1998 places a general obligation on the GLA to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, the following:
- crime and disorder in its area (including antisocial and other behaviour adversely affecting the local environment)
 - the misuse of drugs, alcohol, and other substances in its area
 - reoffending in its area.

Exemption from the Contracts and Funding Code

- 6.5. The proposed contract between the Authority and the LCF would amount to a public contract for the purposes of the Public Contracts Regulations 2015 (the Regulations). Section

2 of the regulations defines public contracts as contracts for pecuniary interest. In this case, the LFC will be holding the £750,000 on trust for the Authority; and charging a 6 per cent commission based upon the value of the funding, which it allocates. To that end, the value of the contract may be viewed as up to a maximum of £45,000.

- 6.6. Section 9 of the Code requires that the Authority undertakes a formal tender process or makes a call-off from an accessible framework for procurements with a value of between £10,000 and £150,000. However, section 10 of the Code also provides that an exemption from this requirement may be justified on the basis that there is a complete absence of competition. The officers have set out at paragraphs 1.9 to 1.10, above, the reasons that the procurement of the LCF falls within the said exemption. Accordingly, the director may approve the exemption, if the director be so minded.
- 6.7. The officers are reminded to ensure that the contract between the Authority and the LCF includes a term imposing a duty on the LCF to hold the funding on trust for the Authority.

7. Planned delivery approach and next steps

- 7.1. The commissioning approach will involve the publication of a tender (through an open-tender process), followed by the award of contracts to successful bidders.

Activity	Indicative timeline
Grants programme launched	August 2022
Grants programme closes	March 2023

Appendices and supporting papers:

None.

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after it has been approved or on the defer date.

Part 1 – Deferral

Is the publication of Part 1 of this approval to be deferred? NO

Part 2 – Sensitive information

Only the facts or advice that would be exempt from disclosure under the FoIA should be included in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

Drafting officer:

Shabana Kausar has drafted this report in accordance with GLA procedures and confirms the following:

✓

Assistant Director/Head of Service:

Natalie Daniels has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

Financial and Legal advice:

The Finance and Legal teams have commented on this proposal, and this decision reflects their comments.

✓

Corporate Investment Board

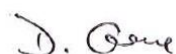
A summary of this decision was reviewed by the Corporate Investment Board on 1 August 2022

✓

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature



Date

2/8/22