



To: All Members of the Adults and Community Wellbeing Scrutiny Committee

Cc: All others on the Distribution List of the Adults and Community Wellbeing Scrutiny Committee

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Dear Member,

**Adults and Community Wellbeing Scrutiny Committee - Wednesday, 6 September 2017**

Further to the despatch of the agenda and papers for the meeting of the Adults and Community Wellbeing Scrutiny Committee on Wednesday, 6 September 2017, I attach for your consideration the report relating to:

- 9 Domestic Abuse Support Services Re-Procurement** (Pages 3 - 32)  
*(To receive a urgent report from Alina Hackney, Senior Strategy Commercial and Procurement Manager, which invites the Committee to consider a report entitled Domestic Abuse Support Services, which is due to be considered by the Executive Councillor for Adult Care and Health Services, Children's Services on 15 September 2017)*

The Chairman has agreed to the inclusion of this urgent item.

Should you require any further assistance, please do not hesitate to contact me.

Yours sincerely

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### Open Report on behalf of Glen Garrod, Director of Adult Care and Community Wellbeing

Report to:	<b>Adults and Community Wellbeing Scrutiny Committee</b>
Date:	<b>6 September 2017</b>
Subject:	<b>Domestic Abuse Support Services Re-Procurement</b>

#### Summary:

This item invites the Adults and Community Wellbeing Scrutiny Committee to consider a report entitled Domestic Abuse Support Services which is due to be considered by the Executive Councillor for Adult Care and Health Services, Children's Services on 15 September 2017. The views of the Scrutiny Committee will be reported to the Executive Councillor, as part of its consideration of this item.

#### Actions Required:

- (1) To consider the attached report and to determine whether the Committee supports the recommendations to Executive Councillor set out in the report.
- (2) To agree any additional comments to be passed to the Executive Councillor in relation to this item.

### 1. Background

The Executive Councillor is due to consider a report entitled on 15 September 2017. The full report to the Executive is attached at Appendix 1 to this report.

### 2. Conclusion

Following consideration of the attached report, the Committee is requested to consider whether it supports the recommendations in the report and whether it wishes to make any additional comments to the Executive Councillor. The Committee's views will be reported to the Executive Councillor.

### 3. Consultation

**a) Policy Proofing Actions Required**

Not applicable.

**4. Appendices**

These are listed below and attached at the back of the report	
Appendix 1	Report to Executive Councillor for Adult Care, Health and Children's Services on Domestic Abuse Support Services Report and Appendix (For Decision on 15 September 2017)

**5. Background Papers**

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Marie Kaempfe-Rice, who can be contacted on 01522 554087 or [Marie.Kaempfe-Rice@lincolnshire.gov.uk](mailto:Marie.Kaempfe-Rice@lincolnshire.gov.uk)

**Open Report on behalf of Glen Garrod, Executive Director of Adult Care and Community Wellbeing**

Report to:	<b>Executive Councillor for Adult Care, Health and Children's Services</b>
Date:	<b>15 September 2017</b>
Subject:	<b>Domestic Abuse Support Services Re-procurement</b>
Decision Reference:	<b>I014029</b>
Key decision?	<b>Yes</b>

**Summary:**

The current Domestic Abuse Support Services (DASS) have been in place since October 2013. All available provision for extension in respect of Outreach and Independent Domestic Violence Advisors (IDVA) Services has been exhausted and the existing arrangements will expire as of 31 March 2018.

This report gives an update on progress to date and seeks approval for the re-procurement of DASS related services.

**Recommendation(s):**

That the Executive Councillor:

1. Approves the re-commissioning of Domestic Abuse Support Services consisting of Outreach Services and Independent Domestic Violence
2. Approves that a procurement be undertaken to deliver contracts for each element of the services to be awarded to a single provider of county-wide services.
3. Delegates to the Director of Adult Care and Community Wellbeing in consultation with the Executive Councillor for Adult Care, Health and Children's Services the authority to determine the final form of the procurement and the contract and to approve the award of the contract/s and the entering into the contract/s and other legal documentation necessary to give effect to the said contract.

**Alternatives Considered:**

1. Negotiate a revised contract with the current provider

Whilst performance levels have been satisfactory, continuing with the current provider is not viable as all provision for extension within the current contract has been exhausted.

2. To do nothing

This is not a viable option due to the significant benefits of Local Authorities investing in Domestic Violence and Abuse Services bring, these include:

- A reduction in the rate of Domestic Violence and Abuse;
- Contributing factor to the reduction in health and wellbeing inequalities; and
- Prevention work that reduces the public services costs of Domestic Violence and Abuse.

**Reasons for Recommendation:**

The proposal is to establish a single provider model for eligible people within Lincolnshire who will benefit from domestic abuse services support.

1. Appointing a single provider for Outreach Services on a county wide basis will enable the service to be more flexible in terms of responding to and managing demand, delivering a more consistent service in terms of delivery and contract management and provide more resilience and effective use of a stretched budget. The IDVA Service will also form part of this procurement as there are clear synergies between this service and the Outreach. There will also be one provider on a countywide service for IDVA although it will be tendered as a separate lot to ensure a distinct focus on the service and the different funding arrangements constituting a separate contract. Providers will be invited to bid for one or both lots.
2. A holistic countywide approach to the service based on risk will aid in better meeting the Service Users needs. Delivering through a single provider model has indicated improved performance and consistency. It also ensures that the contract package is viable, sustainable and attractive to the market. This is essential considering the market is very limited. Whilst it is the intention to contract with one provider effective referral mechanisms with partner organisations will ensure that the service is enhanced and that services delivered are appropriate throughout the Service Users support.
3. Service provision under the current legal agreement has delivered required outcomes however it is considered that by exposing this service to

competition it will provide the opportunity to enhance services. A review, possible revision and clarity around the scope of the current specification may enable further efficiencies. It is also expected that the market and stakeholder engagement undertaken as part of the procurement process will encourage partnership working providing bespoke solutions to delivery.

4. The alternatives considered have been deemed unacceptable in delivering the required outcomes of the service.

## **1.0 Background**

### **1.1 Domestic Abuse Profile**

The Home Office (2013) definition of domestic violence and abuse is:

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass but is not limited to the following types of abuse:

- Psychological / emotional abuse
- Physical violence
- Physical restriction of freedom
- Sexual violence
- Financial abuse

Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

This definition, which is not a legal definition, includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

Research cited by the World Health Organisation (WHO) states that violence doesn't just have an immediate effect on women's health, which in

some cases, is fatal, but that physical, mental and behavioural health consequences can persist long after the violence has stopped. In addition to immediate physical injuries from assault, domestic abuse (DA) victims can suffer chronic pain, eating problems, anxiety, Post-Traumatic Stress Disorder and depression.

Although domestic abuse can affect anyone, some groups are disproportionately likely to become victims of domestic abuse. Women, young people and people who suffer from a long-term illness or disability that limits their activity are all at significant risk of DA victimisation.

It is shocking to note that in this country 2 women are killed every week by a current or former partner and 30 men are killed each year. In Lincolnshire in 2015-2016 over 10,000 incidents of domestic abuse were reported to Lincolnshire Police. There were 875 victims who were at high risk of serious harm or death referred into the Multi Agency Risk Assessment Conference (MARAC) by partner agencies in 2015-2016. Since the introduction of the Statutory Domestic Homicide Reviews in April 2011 there have been 9 cases involving 13 deaths that have met the criteria for a domestic homicide review in Lincolnshire.

Including the cost to public services, economic output and the human and emotional costs, domestic abuse is estimated to cost society £15,730 million (Walby, S., 2009, The Cost of Domestic Violence: Up-date).

- 1.2 Lincolnshire County Council currently commissions Domestic Abuse Support Services in Lincolnshire. The current services comprise: Outreach support for adult victims and their children, IDVA and Refuge provision.
- 1.3 Adult Care, Public Health division currently fund both Outreach services and Refuge provision. The Outreach services consist of four contracts delivered by three different providers as detailed below. The contracts were let with a 2.5 year initial term and the option to extend by two years (1 + 1). The Refuge provision is delivered by two providers and is a 3 + 1 + 1 contract. The IDVA service is currently funded by Safer Communities. The service is delivered by one provider and was let as a 2.5 year plus 2 additional years extended on a 1+1 basis. Both the Outreach services and the IDVA services are reaching the end of their maximum contract length. Funding has been agreed by Adult Care and Safer Communities to re-commission these services. The Refuge contracts are part of the Housing Related Support services. They will reach the end of their initial term on 30th of June 2018.
- 1.4 The current providers and funding arrangements for each element of the service is set out in the table below:

Service	Provider	Budget per annum and Budget Directorate
Domestic Abuse Outreach Services East Lindsey	Nottingham Community Housing Association (NCHA)	£133,000 Adult Care, Public Health
Domestic Abuse Outreach Services Boston and South Holland	Boston Mayflower	£133,000 Adult Care, Public Health
Domestic Abuse Outreach Services Lincoln and West Lindsey	West Lindsey Domestic Abuse Services (WLDAS)	£133,000 Adult Care, Public Health
Domestic Abuse Outreach Services North Kesteven and South Kesteven	West Lindsey Domestic Abuse Services (WLDAS)	£133,000 Adult Care, Public Health
Independent Domestic Violence Advisors (IDVA)	West Lindsey Domestic Abuse Services (WLDAS)	£200,000 Safer Communities
Refuge Provision Louth	Nottingham Community Housing Association (NCHA)	£61,650 Adult Care, Public Health
Refuge Provision Lincoln	West Lindsey Domestic Abuse Services (WLDAS)	£134,000 Adult Care, Public Health

- 1.5 It is the intention that the Outreach and IDVA elements of the services are included within the scope of the domestic abuse services re-procurement. It is proposed that these services will be tendered in two separate lots with the option for providers to bid for one or both lots.
- 1.6 Also considered was the option of including the Refuge Housing Related Support contracts within this procurement. It is considered however that it is not a suitable time for these services to form part of this re-procurement scope for the following reasons:
- The timeframe does not allow for further exploration in respect of all the advantages, disadvantages and potential impact of including these services. Discussions with the current providers and potentially landlords would need to be undertaken. As this is a very limited market, there is concern if these services are within the scope of this procurement there may be little or no interest from the market and it may deter some Providers from bidding if included within the lots of either Outreach or IDVA. The Project Team were particularly mindful that there were no bids received last time for the Lincoln Refuge Contract.
  - It is proposed that Outreach and IDVA are tendered as separate lots, there is therefore the potential that these services are awarded to

different providers, if this is the case which contract the Refuge provision would best align with would need to be determined.

- If we tendered the Refuge Contracts as two additional separate lots within this procurement we may not gain any benefits of synergy for either the Outreach or IDVA contracts as they could potentially be awarded to different providers.
- The Refuge Contracts are currently performing well under the accommodation based contracts. The objectives and outcomes of these services may be more appropriate. Further review is required in this respect which the re-procurement of the Outreach and IDVA does not allow for.
- More time would also be required to effectively review and revise the Refuge specifications and contract management framework which again this re-procurement does not allow for.

1.7 The Joint Targeted Area of Inspection of the Multi-Agency Response to Abuse and Neglect in Lincolnshire was considered in the drafting of this report. Specifically the gap in provision of services for adult perpetrators of domestic abuse. It was determined that it would not be appropriate to include any such services within this reprocurement for the following reasons:

- The Domestic Abuse Support Service Providers are experienced in dealing with victims and do not necessarily have the skills and expertise of delivering perpetrator services.
- A Perpetrators Programme would be better aligned with other services and areas of work such as the Reducing Reoffending Board and the Assisting Rehabilitation through Collaboration. To commission a perpetrator services without sufficient consultation could result in duplication or the undermining of work that is already being undertaken.
- For perpetrator programmes there is a lack of nationally available evaluated effective practice on which to base commissioning decisions. Therefore Lincolnshire will need to consider carefully across partner organisations what is commissioning and how its delivered. This work is currently underway and being led by the Safer Communities Directorate.

### **Strategic Drivers**

1.8 These contracts contribute towards meeting the aims of the Lincolnshire Domestic Abuse Strategic Management Board which are:

- Reducing the number of people in Lincolnshire who experience domestic abuse.
- Reducing the length and severity of abuse for victims.
- Reducing the number of perpetrators of domestic abuse through prevention and criminal justice interventions.

- Developing a culture in the County that never tolerates domestic abuse.
- 1.9 Domestic abuse has a significant impact upon the communities and public services of Lincolnshire. Estimates from the Crime Survey of England and Wales (CSEW) suggest that 1 in 15 adults aged between 16 and 59 years suffered at least one incident of domestic abuse in 2013/14. This meant that during 2013/14 alone there were more than 25,500 victims of domestic abuse in Lincolnshire.
- 1.10 CSEW figures suggest that only 1 in 3 victims of abuse reported their most recent incident to somebody in an 'official position', while for every victim who reported their abuse to the police there was another victim who did not tell anybody about their abuse (not even family or friends).
- 1.11 On average there are over 10,000 domestic abuse incidents reported to Lincolnshire Police every year. Of these, 6,500 are standard risk incidents, equivalent to around 3 in 5 domestic abuse incidents reported. A quarter of domestic abuse incidents are graded as medium risk while only 8% are high risk. The number of high and medium risk incidents has remained stable since 2010; however standard risk incidents have been on a steady increase.

### **The Invitation to Tender Document (ITT)**

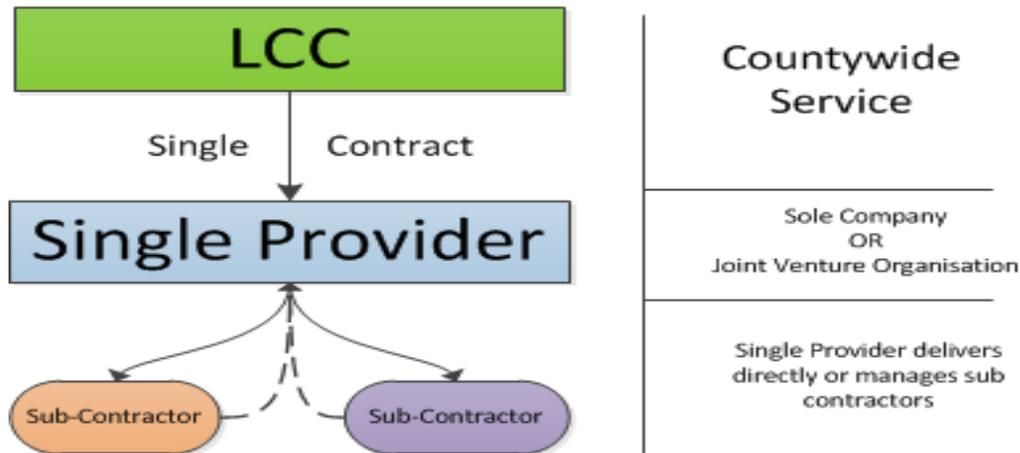
- 1.12 The ITT will include the following:
- A revised specification will be drafted incorporating recommendations made in the Service Review; key findings and lessons to be learned from Domestic Homicide Reviews, subsequent service user and other stakeholder interviews and benchmarking;
  - A specification that is clear in scope, interpretation and expectations;
  - Feedback from the market and stakeholder consultation;
  - Bespoke terms and conditions;
  - Appropriate award and evaluation criteria;
  - A realistic, appropriate and robust performance management framework; and
  - An emphasis on partnership working and effective referral/signposting mechanism.

### **Commercial Model**

- 1.13 Evidence collected on the current service indicates that where provision has taken place it has been to a good standard. The single provider model with an emphasis on delivery of outcomes will help ensure that the future contract is sustainable.
- 1.14 Whilst the Council will be contracting with a single provider, the market engagement has indicated that the delivery model may include consortium partnership or sub contractual arrangements. In this case the single

provider will be responsible for the management of all partners or/and subcontractors. The delivery capability and cohesiveness of any proposed partnership arrangement will also form part of the tender evaluation.

### Single provider structure



- 1.15 In determining a single provider the service model depends upon a number of factors:

#### Cost & Duration

- 1.16 A core principle of the Single Provider model is that a commitment of demand creates a strong commercial base for a provider and as such will help support them to deliver better value back to the Council. Similarly by guaranteeing this demand for a long period of time this would further strengthen a provider's ability to establish a sound base of business. This commitment will increase economies of scale for a provider and providers it may wish to sub contract to, as well as allow them to build better business plans, optimise resources, better manage recruitment and the opportunity to plan reablement routes better, thus improving efficiency and lowering costs.

#### Competition

- 1.17 Exposing the service to the open market will help to encourage improved value for money through quality, innovation, possible reduction in costs and the added value any potential providers may bring.

#### Risk and flexibility

- 1.18 In addition to this the Council should also give regard to the resulting balance of risk that follows from awarding the contract to a single provider.

The Council will seek assurance and conduct due diligence through its procurement processes to ensure the single provider has the capacity to deliver the volume of hours and scope required in the service specification. These assurances will increase the Council's ability to manage risk as well as provide greater flexibility of service provision..

### **Tender process**

- 1.19 A key phase in the procurement will be in how organisations are assessed and qualified at the tender stage. As previously stated it is essential that the single provider or any organisation the provider sub contracts work to will be able to deliver the required volume and outcomes. The Council must therefore have a clear understanding of the level of financial and business capacity a tenderer must have before being allowed to proceed to bid. This must be set at a level that represents an acceptable assessment of the level of risk as well as not being unreasonably burdensome and therefore restricting consortia bids.
- 1.20 The Procurement is being undertaken in accordance with regulations 74 to 76 of the Public Contract Regulations 2015 under "Light Touch Regime" utilising an Open Procedure method. The ultimate decision as to which provider is awarded the single provider status will be based on their evaluation performance.
- 1.21 ITT evaluation will focus on service quality and the capability of the single provider and any organisations they may wish to form sub contracting arrangements with to deliver the required volume and quality outcomes across the county set against clearly defined financial budgetary controls.

### **Scope**

- 1.22 The full scope for these new arrangements are being developed, provider engagement and service user consultation has been undertaken to gain market intelligence and stakeholder feedback in terms of key aspects of future services.

The main aspects of the outreach service are currently understood as follows:

- Delivery of a Domestic Abuse Support Service to work with standard and medium risk victims (as assessed using the Domestic Abuse, Stalking and Harassment (DASH 2009) risk assessment tool) of domestic abuse across the county.
- A service available to both male and female victims of domestic abuse of any age. The service will also support parents to support their children if affected by domestic abuse. A service that will enable all victims of domestic abuse to live their lives free of controlling, coercive or threatening behaviour, violence, abuse, or even death by delivering an early intervention which:
  - Is timely

- Risk assesses and produces safety plans with all victims of domestic abuse who engage with the service
- Assesses the emotional health and wellbeing of victims and help to make improvements through support
- Empowers victims to move forward and make positive, healthy, and safe choices about their future
- Works with victims to have healthy relationships in the future.
- Works with children and young people affected by domestic abuse to help them stay safe
- Helps children and young people understand their experiences and that domestic abuse is not acceptable and should not be tolerated
- Works in partnership with Lincolnshire County Council and other key stakeholders to maximise referrals to the service
- Ensures victims are able to access appropriate services in a timely and safe way
- Increases reporting of domestic abuse. This will be measured by the number of referrals to the service including self-referrals and the number of incidents reported to the police and referrals made to the Multi Agency Risk Assessment Conference (MARAC)
- Measures the number of repeat incidents of domestic abuse and reduce them.

The key outcomes for the service user (where appropriate) will be:

- An early intervention;
- Improved safety (determined through DASH risk assessment tool);
- An end to the experience of domestic abuse and the development of skills to move forward
- Young people supported to have healthy relationships in the future
- Supported to address any mental health conditions
- Supported to achieve improved emotional wellbeing and personal resilience
- Supported to address drugs and alcohol misuse
- Supported to address self-harming behaviour
- Supported to manage risk of harm from other.
- Supported through court
- Supported to obtain a civil injunction
- Supported through a civil court case about their children.

The service provider is expected to provide the following key activities:

- Assess each service user using the DASH assessment tool
- Produce a safety plan for each service user
- Review safety plans on a regular basis
- Adopt a caseload management system to include regular reviews of open cases to ensure that they are progressing and are not kept open long term.
- One to one support both face to face and over the telephone
- Provide group programmes e.g. Freedom programmes

- Provide drop in sessions
- Potentially provide out-of-hours support
- Attendance at multi-agency meetings where appropriate.
- Manage demand by providing a flexible service.

1.23 The IDVA service will provide advice, information, advocacy and support to high risk male and female victims of domestic abuse living in Lincolnshire about the range, effectiveness and suitability of options to reduce their risk and ensure their safety and that of their children and vulnerable associates.

The main aspects of the IDVA service are currently understood as follows:

The service provided will assist service users to access all the necessary support from partner agencies to minimise the risk they face, enhance their safety and rebuild positive lives. The majority of the time the IDVA will work in partnership with Lincolnshire County Council, District Councils, Police, Health Services, Probation Service, and local third sector support services.

The IDVA will work with the service user from the point of crisis, often after a police call out, an attendance at Accident and Emergency, or through intervention from child or adult services.

The primary objective of the service will be to ensure the safety of the victim, and will:

- Focus on risk and risk management
- Directly work with the victims; in this instance, victims of domestic abuse
- Provide advice and support to enable victims to access a range of legal and non-legal services and resources
- Engage proactively in multi-agency work, ultimately to help victims and their children move safely towards living violence and abuse free lives

The key aims of the IDVA service are:

- To increase the safety of identified high risk victims and their child(ren) and other vulnerable associate
- To work from a point of crisis to address and reduce risk, offering short to medium term support
- To ensure the increased health and wellbeing of identified high risk victim and their child(ren) and other vulnerable associates
- To ensure that the views of identified high risk victims are represented at the MARAC
- To provide appropriate information, advice and support to identified high risk victims in relation to civil and criminal justice system, contributing to successful court outcomes
- To work with identified high risk victims of domestic abuse, to enable them to access the services they need (e.g. health, housing etc) in the aftermath of the abuse
- To reduce repeat victimisation
- To reduce violent crime

## **Market Engagement and Feedback**

- 1.24 A Prior Information Notice was published on 7 July 2015. This initiated a process of pre-tender market engagement. Feedback gained from this process has provided an understanding of the market's preferred approach to a number of important issues impacting on the commercial model, including the contract duration, market capacity, budget viability, scope of services and gaps, contract attractiveness and mobilisation.

The results of this engagement exercise are summarised below:

- The contract duration proposed of 3 +1+1 was acceptable to all.
- The single provider model will more likely have to involve a partnership of providers in order to deliver the Outreach services on a countywide basis.
- Whilst the providers do bid for additional funding streams these tend to only plug gaps on a short terms basis and it very time intensive so would not want to see this as a requirement within any future contracts.
- In terms of contract mobilisation whilst three months would have been preferred, between 8 – 10 weeks is viable.

## **Procurement implications**

- 1.25 The Procurement is being undertaken in accordance with regulations 74 to 76 of the Public Contract Regulations 2015 under "Light Touch Regime" utilising an Open Procedure method.
- 1.26 It is the intention to issue a OJEU Notice for publication on 22 September 2017 and a Contract Award Notice will be issued on any award to a successful bidder.
- 1.27 In undertaking the procurement the Council will ensure the process utilised complies fully with the EU Treaty Principles of Openness, Fairness, Transparency and Non-discrimination.
- 1.28 The procurement process shall conform with all information as published and set out in the OJEU Notice.
- 1.29 All time limits imposed on bidders in the process for responding to the OJEU Notice and Invitation to Tender will be reasonable and proportionate.

## **Public Services Social Value Act**

- 1.30 In January 2013 the Public Services (Social Value) Act came into force. Under the Act the Council must before starting the process of procuring a contract for services consider two things. Firstly, how what is proposed to be procured might improve the economic social and environmental wellbeing of

its area. Secondly, how in conducting the process of procurement it might act with a view to securing that improvement. The Council must only consider matters that are relevant to the services being procured and must consider the extent to which it is proportionate in all the circumstances to take those matters into account. In considering this issue the Council must be aware that it remains bound by EU procurement legislation which itself through its requirement for transparency, fairness and non-discrimination places limits on what can be done to achieve these outcomes through a procurement.

- 1.31 Ways will be explored of securing social value through the way the procurement is structured. The operation of sub-contracting and consortium arrangements will be explored as a means of ensuring a role for local small to medium-sized enterprises (SMEs) in the delivery of the services. Evaluation methodologies will be explored so as to incentivise the delivery of a skilled and trained workforce.
- 1.32 Under section 1(7) of the Public Services (Social Value) Act 2012 the Council must consider whether to undertake any consultation as to the matters referred to above. The service and the value it delivers is well understood. Best practice recently adopted elsewhere has been reviewed. This and the market and other stakeholder consultation, including Service Users, carried out is considered to be sufficient to inform the procurement. It is unlikely that any wider consultation would be proportionate to the scope of the procurement.

### **Legal Issues:**

#### Equality Act 2010

- 1.33 Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
  - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 1.34 The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.
- 1.35 Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:
- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
  - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it

- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
- 1.36 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities
- 1.37 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding
- 1.38 Compliance with the duties in section 149 may involve treating some persons more favourably than others
- 1.39 The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process

The key purpose of the service is to enable all those individuals who are in need of help and support suffering from Domestic Abuse to live more safe, independent and healthier lives. In that sense the delivery of the service helps to advance equality of opportunity. The providers' ability to provide services which advance equality of opportunity will be considered in the procurement and providers will be obliged to comply with the Equality Act.

An Impact Assessment has been completed for the domestic abuse support services reprocurement which addresses the risk of adverse impact on service users which can be found at Appendix A. The potential for adverse impact would arise from removing or reducing the service. However, the proposal maintains the service in place and has the potential to enable improvements and increase in services.

A change of provider will impact on persons with a protected characteristic arising out of the employment impact on staff. The staff employed by the current provider will be affected by the termination of the current grant agreement. Mitigating factors will relate to the legal protections that will be in place through TUPE and general employment laws. The contract that will be entered into will also contain clauses requiring the contractor to comply with the Equality Act.

Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

- 1.40 The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

The JSNA key message in respect of domestic abuse is that violence doesn't just

have an immediate effect on victim's health, which in some cases is fatal. The physical, mental and behavioural health consequences can persist long after the violence has stopped. Including the cost to public services, economic output and the human and emotional costs, domestic abuse is estimated to cost society £15.73 billion per year (based on a 2009 report). This is considered within the alternative options of doing nothing and also the prevention agenda in terms of reducing the perpetrators which is identified as an aim of the Lincolnshire Domestic Abuse Strategic Management Board.

The JSNA also states that reported incidents of domestic abuse have increased by 36% from 2008/2009 to 2014/2015 and that 70% of the incidents reported to Police since 2011 have occurred in the eastern districts. The recommendations contained within this report include a countywide service which will be demand led and allow for a more flexible, resilient and consistent service.

The JHWS has priorities which include promoting healthier lifestyles and specifically minimise the impact of long term health conditions of people's mental health. These services would directly contribute to these priorities.

### Crime and Disorder

1.41 Under section 17 of the Crime and Disorder Act 1998, the Council must 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 crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

This report considers not only the direct prevention of the crime but also the better integration of services on a countywide level, complementing each other and based upon risk. The partnership working with the Police is enhanced through the inclusion of the IDVA service working on cases that are assessed as high risk through the Multi Agency Risk Assessment Conference (MARAC).

## **2.0 Conclusion**

2.1 Through undertaking a procurement exercise for Domestic Abuse Support Services, as detailed within the paper, the Council will improve service quality, ensure value for money and most importantly secure a vital service to those who are suffering from domestic abuse.

2.2 The focus of the procurement will be to establish a single provider for the county that will be able to fully meet the quality requirements set out by the council, guarantee that they are able to properly meet demand within budget and manage the subcontractor market effectively if appropriate.

### **Legal Comments:**

The Council has the power to enter into the contract proposed. The legal considerations that must be taken into account in reaching a decision are set out in detail in the Report.

The decision is consistent with the Policy Framework and within the remit of the Executive Councillor if it is within the budget.

**Resource Comments:**

The current Domestic Abuse Support Services (DASS) have been in place since October 2013 with existing arrangements due to expire as of 31 March 2018. This report seeks approval for the re-procurement of DASS related services and delegates to the Director of Adult Social Services in consultation with the Executive Councillor for Adult Care and Health Services, Children's Services with the authority to determine the final form of the contract and to approve the award of the contract. I can confirm that the proposals are consistent with current Financial Procedures and relevant Schemes of Authorisation.

## **Consultation**

### **Has The Local Member Been Consulted?**

N/A

### **Has The Executive Councillor Been Consulted?**

Yes

## **Scrutiny Comments**

This Report will be considered by the Adults and Community Wellbeing Scrutiny Committee on 6 September 2017 and the Committee's comments will be passed to the Executive Councillor

### **Has a Risks and Impact Analysis been carried out?**

Yes

## **Risks and Impact Analysis**

See the body of the Report and Appendix A

## **Appendices**

These are listed below and attached at the back of the report:

Appendix A – The Equality Impact Assessment

## **Background Papers**

No Background Papers were used in the preparation of this Report.

This report was written by Marie Kaempfe-Rice, who can be contacted on 01522 554087 or [Marie.Kaempfe-Rice@lincolnshire.gov.uk](mailto:Marie.Kaempfe-Rice@lincolnshire.gov.uk)

## Equality Impact Analysis to enable informed decisions

### The purpose of this document is to:-

- I. help decision makers fulfil their duties under the Equality Act 2010 and
- II. for you to evidence the positive and adverse impacts of the proposed change on people with protected characteristics and ways to mitigate or eliminate any adverse impacts.

### Using this form

This form must be updated and reviewed as your evidence on a proposal for a project/service change/policy/commissioning of a service or decommissioning of a service evolves taking into account any consultation feedback, significant changes to the proposals and data to support impacts of proposed changes. The key findings of the most up to date version of the Equality Impact Analysis must be explained in the report to the decision maker and the Equality Impact Analysis must be attached to the decision making report.

### Please make sure you read the information below so that you understand what is required under the Equality Act 2010

#### Equality Act 2010

The Equality Act 2010 applies to both our workforce and our customers. Under the Equality Act 2010, decision makers are under a personal duty, to have due (that is proportionate) regard to the need to protect and promote the interests of persons with protected characteristics.

#### Protected characteristics

The protected characteristics under the Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

#### Section 149 of the Equality Act 2010

Section 149 requires a public authority to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by/or under the Act
- Advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share those characteristics

- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The purpose of Section 149 is to get decision makers to consider the impact their decisions may or will have on those with protected characteristics and by evidencing the impacts on people with protected characteristics decision makers should be able to demonstrate 'due regard'.

### **Decision makers duty under the Act**

Having had careful regard to the Equality Impact Analysis, and also the consultation responses, decision makers are under a personal duty to have due regard to the need to protect and promote the interests of persons with protected characteristics (see above) and to:-

- (i) consider and analyse how the decision is likely to affect those with protected characteristics, in practical terms,
- (ii) remove any unlawful discrimination, harassment, victimisation and other prohibited conduct,
- (iii) consider whether practical steps should be taken to mitigate or avoid any adverse consequences that the decision is likely to have, for persons with protected characteristics and, indeed, to consider whether the decision should not be taken at all, in the interests of persons with protected characteristics,
- (iv) consider whether steps should be taken to advance equality, foster good relations and generally promote the interests of persons with protected characteristics, either by varying the recommended decision or by taking some other decision.

### **Conducting an Impact Analysis**

The Equality Impact Analysis is a process to identify the impact or likely impact a project, proposed service change, commissioning, decommissioning or policy will have on people with protected characteristics listed above. It should be considered at the beginning of the decision making process.

### **The Lead Officer responsibility**

This is the person writing the report for the decision maker. It is the responsibility of the Lead Officer to make sure that the Equality Impact Analysis is robust and proportionate to the decision being taken.

### **Summary of findings**

You must provide a clear and concise summary of the key findings of this Equality Impact Analysis in the decision making report and attach this Equality Impact Analysis to the report. **Impact - definition**

An impact is an intentional or unintentional lasting consequence or significant change to people's lives brought about by an action or series of actions.

**How much detail to include?**

The Equality Impact Analysis should be proportionate to the impact of proposed change. In deciding this asking simple questions “Who might be affected by this decision?” “Which protected characteristics might be affected?” and “How might they be affected?” will help you consider the extent to which you already have evidence, information and data, and where there are gaps that you will need to explore. Ensure the source and date of any existing data is referenced.

You must consider both obvious and any less obvious impacts. Engaging with people with the protected characteristics will help you to identify less obvious impacts as these groups share their perspectives with you.

A given proposal may have a positive impact on one or more protected characteristics and have an adverse impact on others. You must capture these differences in this form to help decision makers to arrive at a view as to where the balance of advantage or disadvantage lies. If an adverse impact is unavoidable then it must be clearly justified and recorded as such and an explanation as to why no steps can be taken to avoid that consequence must be included.

**Proposals for more than one option** If more than one option is being proposed you must ensure that the Equality Impact Analysis covers all options. Depending on the circumstances it may be more appropriate to complete an Equality Impact Analysis for each option.

**The information you provide in this form must be sufficient to allow the decision maker to fulfil their role as above. You must include the latest version of the Equality Impact Analysis with the report to the decision maker. Please be aware that the information in this form must be able to stand up to legal challenge.**

**Background Information**

<b>Title of the policy / project / service being considered</b>	Domestic Abuse Support Services	<b>Person / people completing analysis</b>	Amy Smithson Programme Officer Public Health
<b>Service Area</b>	Public Health	<b>Lead Officer</b>	Robin Bellamy Interim Assistant Director, Public Health Commissioning

<b>Who is the decision maker?</b>	Portfolio Holder / Executive Member	<b>How was the Equality Impact Analysis undertaken?</b>	Discussion and email
<b>Date of meeting when decision will be made</b>	10.08.2017	<b>Version control</b>	V0.1
<b>General overview and description of the proposed change</b>	<p><b>Overview</b></p> <p>To consider the impact of the re-procurement of a new Domestic Abuse Support Service.</p> <p><b>Background</b></p> <ul style="list-style-type: none"> <li>Lincolnshire County Council currently commissions Domestic Abuse Services in Lincolnshire. The current services comprise: Outreach support for adult victims and their children and IDVA.</li> <li>Adult Care, Public Health division currently fund Outreach services. The Outreach services consist of four contracts delivered by three different providers as detailed below. The contracts were let with a 2.5 year initial term and the option to extend by two years (1 + 1). The IDVA service is currently funded by Safer Communities. The service is delivered by one provider and was let as a 2.5 year plus 2 additional years extended on a 1+1 basis. Both the Outreach services and the IDVA services are reaching the end of their maximum contract length. Funding has been agreed by Adult Care and Safer Communities to recommission these services.</li> </ul>		
	Is this proposed change to an existing policy/service/project or is it new?	<p><b>Commissioned.</b></p> <p><b>The re-procurement is for a contract for a new commissioned service. There is no reduction of service</b></p>	

### Evidencing the impacts

In this section you will explain the difference that proposed changes are likely to make on people with protected characteristics. To help you do this first consider the impacts the proposed changes may have on people without protected characteristics before then considering the impacts the proposed changes may have on people with protected characteristics.

You must evidence here who will benefit and how they will benefit. If there are no benefits that you can identify please state 'No perceived benefit' under the relevant protected characteristic. You can add sub categories under the protected characteristics to make clear the impacts. For example under Age you may have considered the impact on 0-5 year olds or people aged 65 and over, under Race you may have considered Eastern European migrants, under Sex you may have considered specific impacts on men.

#### Data to support impacts of proposed changes

When considering the equality impact of a decision it is important to know who the people are that will be affected by any change.

#### Population data and the Joint Strategic Needs Assessment

The Lincolnshire Research Observatory (LRO) holds a range of population data by the protected characteristics. This can help put a decision into context. Visit the LRO website and its population theme page by following this link: <http://www.research-lincs.org.uk> If you cannot find what you are looking for, or need more information, please contact the LRO team. You will also find information about the Joint Strategic Needs Assessment on the LRO website.

#### Workforce profiles

You can obtain information by many of the protected characteristics for the Council's workforce and comparisons with the labour market on the [Council's website](#). As of 1<sup>st</sup> April 2015, managers can obtain workforce profile data by the protected characteristics for their specific areas using Agresso.

### **Demographics**

- The female population slightly outweighs the male population, males make up 49% of the population while females make up 51%.
- Lincolnshire has a 5% higher proportion of people aged 65 and over (23%) than the national average (England and Wales – 18%).
- The population aged 75 and over is growing at a much larger rate than other age groups. By 2039, it is estimated that there

will be almost double the number of over 75s than there were in 2015. Please see the 'population projections' table below:

	0-15	16-64	65-74	75+	All ages
2015	125,211	443,783	94,028	73,643	736,665
2021	133,306	445,244	97,670	88,925	765,145
% Change	+6.5%	+0.3%	+3.9%	+20.8%	+3.9%

- In terms of marital status, 52% of the population of Lincolnshire are married, 28% single, 8% widowed, 10% divorced and 2% separated.
- Latest unemployment figures show Lincolnshire slightly below the national average for those of working age (16-64) who are unemployed (Lincolnshire 4.2%, Great Britain 4.9% [Nomis Oct 15 – Sept 16]).
- Rural areas make up 95% of the land area of Lincolnshire. In terms of population, 48% live in rural locations and 52% live in urban locations.
- 73% of households are adults with no children. The remaining are made up of adults with children (19%), single adults and children (6%) and multi-person [students and other] (2%).
- The most deprived areas of Lincolnshire are along the East Coast and parts of major towns like Grantham, Boston, Lincoln and Gainsborough.

### General

There is a clear need to domestic abuse support services to be available in Lincolnshire:

- Domestic abuse has a significant impact upon the communities and public services of Lincolnshire. Estimates from the Crime Survey of England and Wales (CSEW) suggest that 1 in 15 adults aged between 16 and 59 years suffered at least one incident of domestic abuse in 2013/14. This meant that during 2013/14 alone there were more than 25,500 victims of domestic abuse in Lincolnshire.

- CSEW figures suggest that only 1 in 3 victims of abuse reported their most recent incident to somebody in an ‘official position’, while for every victim who reported their abuse to the police there was another victim who did not tell anybody about their abuse (not even family or friends).
- On average there are over 10,000 domestic abuse incidents reported to Lincolnshire Police every year. Of these, 6,500 are standard risk incidents, equivalent to around 3 in 5 domestic abuse incidents reported. A quarter of domestic abuse incidents are graded as medium risk while only 8% are high risk. The number of high and medium risk incidents has remained stable since 2010; however standard risk incidents have been on a steady increase.
- Though domestic abuse can affect individuals from any background or location at any time, there are some groups, locations and times where abuse is disproportionately likely:
  - Women, young people, those who are separated/divorced, single parents and those with a long term illness or disability were all significantly more likely to experience DA than the ‘average’ person. Of these groups, single parent mothers were most at risk, with nearly 1 in 4 becoming victims of DA in the last twelve months.
  - DA is more likely to be reported in certain locations of the county, particularly those suffering from high levels of deprivation (especially in parts of Gainsborough, Skegness and Lincoln). In fact those living in the most deprived areas of Lincolnshire are up to four times more likely to experience domestic abuse (either in a recorded police incident or in a non-police MARAC referral) than those living in the most affluent areas of the county.
  - Police data suggests that DA is more than twice as likely to be reported over the New Year period and during weekend evenings when compared to the average.
- The aim of the Outreach Service, for standard and medium risk victims, is to ensure that all victims of domestic abuse are able to access services in their local area in order to support early intervention and enable victims to live their lives free of controlling, coercive or threatening behaviour.
- For high risk victims, the Independent Domestic Violence Advisor (IDVA) Service is commissioned. IDVAs provide advice, information, advocacy and support to victims to minimise the risk they face, enhance their safety and rebuild positive lives.

### **Perceived positive impacts**

- There is no proposal for a reduction in service. It is therefore anticipated that the new contracts will continue to deliver positive benefits for service users.
- The services will provide countywide coverage and will be accessible to any individual experiencing domestic abuse regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, sex or

sexual orientation.

- The contract will have a well-defined service specification with clear outcomes and performance measures specified.
- Robust contract management will be implemented to ensure delivery is in line with the specification and outcomes/performance measures are being met.

If you have identified positive impacts for other groups not specifically covered by the Equality Act 2010 you can include them here if it will help the decision maker to make an informed decision

N/A

You must evidence how people with protected characteristics will be adversely impacted and any proposed mitigation to reduce or eliminate adverse impacts. An adverse impact causes disadvantage or exclusion. If such an impact is identified please state how, as far as possible, it is justified; eliminated; minimised or counter balanced by other measures.

If there are no adverse impacts that you can identify please state 'No perceived adverse impact' under the relevant protected characteristic. If you have not identified any mitigating action to reduce an adverse impact please state 'No mitigating action identified'

No adverse impacts identified.

**If you have identified negative impacts for other groups not specifically covered by the Equality Act 2010 you can include them here if it will help the decision maker to make an informed**

None identified.

### **Stakeholders**

Stake holders are people or groups who will be directly affected (primary stakeholders) and indirectly affected (secondary stakeholders)

You must evidence here who you involved in gathering your evidence about benefits, adverse impacts and practical steps to mitigate or avoid any adverse consequences. You must be confident that any engagement was meaningful. The Community engagement team can help you to do this and you can contact them on [engagement.cop@lincolnshire.gov.uk](mailto:engagement.cop@lincolnshire.gov.uk)

State clearly what (if any) consultation or engagement activity took place by stating who you involved under the protected characteristics. Include organisations you invited and organisations who attended, the date(s) they were involved and method of involvement i.e. Equality Impact Analysis workshop/email/telephone conversation/meeting/consultation. State clearly the objectives of the consultation and findings from the consultation under each of the protected characteristics. If you have not covered any of the protected characteristics please state the reasons why they were not consulted/engaged.

**Objective(s) of the consultation**

N/A, there is no public consultation planned for this re- procurement exercise.

<p><b>Are you confident that everyone who should have been involved in producing this version of the Equality Impact Analysis has been involved in a meaningful way?</b></p> <p>The purpose is to make sure you have got the perspective of all the protected characteristics.</p>	<p>Yes.</p> <p>If No, who needs to be involved and how do you intend to involve them?</p> <p>If yes, please explain the reason(s)</p>
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<p><b>Once the changes have been implemented how will you undertake evaluation of the benefits and how effective the actions to reduce adverse impacts have been?</b></p>	<p>Effective contract management throughout the live of the contract????</p>		
<p><b>Further Details</b></p>			
<p><b>Are you handling personal data?</b></p>			
<p><b>Actions required</b>                  Include any actions identified in this analysis for on-going monitoring of impacts.</p>	<p><b>Action</b></p>	<p><b>Lead officer</b></p>	<p><b>Timescale</b></p>
<p><b>Signed off by</b></p>			<p><b>Date</b></p>

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