

OFFICER DECISION RECORD 1 FORM

This form should be used to record Officer Decisions in Excess of £100k (but below the key decision threshold), or where required by Financial, Contract or other Procedure Rules or following formal delegation from Cabinet or a Cabinet Member or a Council Committee.

Decision Reference No: AHWB.006.2021 County Wide Domestic Abuse Perpetrator Programme

Box 1

DIRECTORATE: Adults Health and Well Being

DATE: 2.3.21

Contact Name: Bill Hotchkiss

Tel. No.: 01302 737831

Subject Matter: County Wide DA Perpetrator Programme

BOX 2**DECISION TAKEN**

To approve Doncaster Council to undertake the following:

1. Act as Lead Authority in the procurement of a new contract for a county wide voluntary domestic abuse perpetrator programme, with revised contract terms.
2. Enter into the contract with the selected provider with the other authorities and organisations (namely Sheffield City Council, Barnsley Council, Rotherham Council and the Office of the Police and Crime Commissioner).
3. Utilise funding on the following basis:
 - (a) Doncaster contributing Public Health funding of £52k per annum for a period of three years.
 - (b) Receiving on an annual basis £60k from Sheffield Council, £50k from Barnsley Council, £50k from Rotherham Council and £50k from the Office of the Police and Crime Commissioner as a contribution towards the county wide voluntary domestic abuse perpetrator programme for a period of three years, plus the possibility of 1 x 12 month extension.

Box 3

REASON FOR THE DECISION:

Since 2017 a successful county wide Domestic Abuse perpetrator programme called 'inspire to change' has operated throughout South Yorkshire, delivered by the South Yorkshire Community Rehabilitation Company (CRC)

Government changes to the Probation Service, announced last year, meant that from June 2021 the CRC will no longer exist and would be unable to provide the perpetrator programme in South Yorkshire. We have been anticipating the outcome of Government plans for some time and therefore all four local authorities and the Office of the Police and Crime Commissioner have met and held discussions over the last 12 months and agreed to re-commission our contract with an alternative provider.

In terms of the existing programme, over the last three years, we have learnt a great deal from operating a service across South Yorkshire and the collaboration between all partners has been an excellent example of how working together, all four local authorities and the Office of the Police and Crime Commissioner, can jointly commission a successful programme.

Whilst it is unfortunate that national changes to the Probation Service have resulted in us going down the route of re-commissioning, everyone is agreed that this has given us an opportunity to strengthen our requirements and include the most up to date learning from other programmes throughout the UK. This means that the new programme will be innovative and 'cutting edge' to maintain our profile as a successful provider with a key outcome of breaking the cycle of abuse that unfortunately exists in so many households across South Yorkshire. Over the last 3 years, the 'inspire to change' programme has dealt with over 2,630 referrals and nearly 400 individuals have achieved successful completion. The Covid emergency has seen an increase in DA referrals across the county, reinforcing the need for a successful programme of intervention.

The South Yorkshire Partnership seeks to procure a Domestic Abuse perpetrator programme, which achieves evidence-based outcomes for individuals seeking to change their behaviour, which supports a multi-agency approach for an integrated response to the whole family affected by domestic abuse and where all services work together to the same agreed objectives.

A key aim of the newly commissioned programme will be to challenge abusive behaviour at all risk levels. It will also be key to offer a flexible programme of individual and group interventions in order to support perpetrators to change their behaviour.

It was agreed that Doncaster would continue to take the lead on the development, as we hold the expertise in procurement, commissioning, professional knowledge and operational management of the existing programme.

A joint development group has been established consisting of a representative from Legal, Procurement, Commissioning, the Office of the Police and Crime Commissioner and specialist Domestic Abuse Managers from collaborating authorities.

The partnership went out to tender in the autumn of last year, but in December 2020 it became apparent that despite strong initial interest, no provider came forward to submit a formal application. The feedback indicated this was due to concerns around TUPE issues and the length of the contract.

The previous service expired on 25th February 2021, the former provider has advised that it is unlikely there are any employees which would transfer, therefore reducing the likelihood of any potential TUPE issues in the new tender exercise, making it more attractive to the market.

Further meetings have taken place with the partnership and there remains a strong collective agreement to continue with the re-tender process. To make the contract more appealing to prospective parties, the partnership have agreed to amend the contract terms, changing the existing 2 years (plus two yearly extensions) to 3 years, with a one-year extension.

Whilst we gained ODR approval in August last year to re-tender the programme, it was advised that by amending the contract terms, we required a new ODR to approve these changes.

Therefore, the purpose of this ODR is to gain approval for these new contract terms.

Subject to approval, below is an outline of the new timescales we are working towards:

- Anticipated that the contract will commence in early September 2021 following an open tender process, at which time the full service must be ready to commence delivery.
- The contract will be for 3 years initially (Sept 2021 – Sept 2024) with the option to extend for a further 12 month period, subject to continued funding and performance.

Box 4

OPTIONS CONSIDERED & REASONS FOR RECOMMENDED OPTION

Present a business case to the Senior Management Team seeking approval to use the funding from Sheffield, Rotherham and Barnsley Councils', the Office of the Police and Crime Commissioner and Doncaster Council Public Health funding for the specific purpose of delivering a sub-regional perpetrator programme, with revised contract terms.

Option 1: Do Nothing

Allow the current Countywide Perpetrator Programme to come to an end at the end of February 2021 and not re-commission the service.

As outlined above, domestic abuse is a key issue for Team Doncaster and the Safer Stronger Doncaster Partnership. A programme of early intervention working with perpetrators and providing them with the opportunity to change their behaviour is a key factor in reducing the impact of abuse and reducing risk.

To do nothing would significantly put vulnerable families at further risk and potentially could lead to further pressures (and cost) to public agencies.

Option 2: Commission a programme just in Doncaster

This option is not viewed as a viable option as the limited funding available in Doncaster (approx. £50k per annum) would not be sufficient to fund a programme and make it an attractive proposition to potential providers. The budget available would limit the amount of resources able to be committed to the programme and the number of places would be significantly reduced, compared to a countywide programme.

Option 3: Re-commission a Countywide Perpetrator Programme with new contract terms.

Recommended option; this would create an adequately resourced programme able to operate across the whole of South Yorkshire with one provider and a pooled budget of £262k. This option has the full support of all four local authorities and the Office of the Police and Crime Commissioner and has been proven to work over the last 3 years. As we emerge from the current COVID crisis, we are already seeing increases in referrals, which a new programme will be able to absorb. The amended contract terms will provide a better opportunity to seek a new and approved provider going forward.

BOX 5

LEGAL IMPLICATIONS

Section 1 of the Localism Act 2011 provides the Council with a general power of competence, allowing the Council to do anything that individuals generally may do. Section 111 of the Local Government Act 1972 gives the Council power to purchase goods and services.

Section 2B of the National Health Service Act 2006 (*Functions of local authorities and Secretary of State as to Improvement of public health*) as amended by Section 12 of the Health and Social Care Act 2012 states that each local authority must take such steps as it considers appropriate for improving the health of the people in its area. This may include both providing information and advice and providing services or facilities designed to promote healthy living (whether by helping individuals to address behaviour that is detrimental to health or in any other way).

The Crime and Disorder Act 1998 makes it clear that tackling crime should be a partnership matter, with key local organisations working together to achieve a shared strategy for the benefit of local communities.

Legal services must prepare the necessary documentation to implement the collaboration between the authorities and to set out the eventual provider's obligations in providing the intervention services. The parties to the agreement will be (1) Doncaster Borough Council (2) Sheffield City Council (3) Barnsley Metropolitan Borough Council (4) Rotherham Metropolitan Borough Council, (5) Office of the South Yorkshire Police and Crime Commissioner and the appointed provider. Doncaster Council will take a lead role in the collaboration and interface with the provider. A collaboration agreement between the other authorities and SYPCC has been agreed.

Name: Nichola Varty by email 10 March 2021

Signature of Assistant Director of Legal and Democratic Services (or representative)

BOX 6

FINANCIAL IMPLICATIONS:

It is proposed to procure a new contract for a county wide voluntary domestic abuse perpetrator programme with Doncaster Council continuing to be the lead authority and sole authority entering the agreement with the provider. It is anticipated that the new annual contract will be delivered within the existing financial envelope for this service which is £262k. It is proposed that the cost of this service will be funded by continuing the existing inter-authority agreement with the other three named authorities and the Office of the Police and Crime Commissioner as detailed in the table below.

£000s

Doncaster Council	52
Sheffield Council	60
Barnsley Council	50
Rotherham Council	50
Police and Crime Commissioner	50
TOTAL FUNDING	262

The Doncaster Council contribution is funded by the Public Health grant. If the contract cannot be delivered within the financial envelope available, further funding would need to be identified.

Name: Nick Cameron
Date: 03/03/2021

Signature:



Signature of Chief Financial Officer and Assistant Director of Finance (or representative)

BOX 7

OTHER RELEVANT IMPLICATIONS

PROCUREMENT

The procurement of the new county wide voluntary domestic abuse perpetrator programme falls within chapter 3 section 7 Social and Other Specific Services regulation 74. Award of contracts for social and other specific services commonly referred to as the 'light touch regime' of the Public Contract Regulations 2015.

While the light touch regime provides flexibility to the design of the procurement process, for procurements above threshold there is a requirement to advertise the contract on the UK e-notification service (Find a Tender Service) and Contracts Finder.

Given the nature of the service, Strategic Procurement will work with the service area to ensure. ensure compliance with the Councils Contract Procedure Rules and Public Contract Regulation

Name: ___Shaun Ferron___ **Signature: _____via email___ **Date: _06.04.2021****

Signature of Assistant Director (or representative)

ANY IMPLICATIONS SENT TO DEPARTMENTS SHOULD GENERALLY BE SUBMITTED AT LEAST 5 WORKING DAYS IN ADVANCE TO ENSURE THESE CAN BE GIVEN THE RELEVANT CONSIDERATION.

BOX 8

EQUALITY IMPLICATIONS: (To be completed by the author).

The countywide programme aims to provide a service to perpetrators of domestic abuse to support them to change their behaviours. The eligibility criteria defined within the service specification will

not discriminate against any of the protected characteristics (age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation) other than service users must be aged 16 years and over.

The service will not tolerate behaviours that are prohibited by the Equality Act 2010 and will actively work to reduce discrimination, advance equality of opportunity and the fostering of good relations.

BOX 9

RISK IMPLICATIONS:

Failure to take effective action may result in a key part of the new Domestic Abuse Strategy not being implemented and would increase the risk to victims and families by failing to offer a programme aimed at preventing the continuance of perpetrators behaviour.

BOX 10

CONSULTATION

The Cabinet Member for Community Safety Councillor, Chris McGuinness, has been fully consulted and briefed on the proposal and fully supports the decision for use of this funding.

Consultation has also taken place with the office of the Police and Crime Commissioner and the 3 Partnering authorities involved in the project and Doncaster Council Legal and Procurement officers.

BOX 11

INFORMATION NOT FOR PUBLICATION

In accordance with the Freedom of Information Act 2000, it is in the Public's interests for this decision to be published in full, redacting only the signatures.

Name: _Gillian Parker_ Signature _by email_ Date: 07/04/2021
Signature of FOI Lead Officer for service area where ODR originates

BOX 12

BACKGROUND PAPERS

Please confirm if any Background Papers are included with this ODR (NO)

(If YES please list and submit these with this form)

BOX 13

AUTHORISATION

Name: Phil Holmes_ Signature:

Date: 15/04/2021

Director of Adults Health & Wellbeing

Does this decision require authorisation by the Chief Financial Officer or other Officer

NO

If yes please authorise below:

Name: _____ Signature: _____ Date: _____

Chief Executive/Director/Assistant Director of _____

Consultation with Relevant Member(s)

Name: _____ Signature: _____ Date: _____

Designation _____

(e.g. Mayor, Cabinet Member or Committee Chair/Vice-Chair)

Declaration of Interest YES/NO

If YES please give details below:

PLEASE NOTE THIS FORM WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE IN FULL UNLESS IT CONTAINS EXEMPT OR CONFIDENTIAL INFORMATION.

Once completed a PDF copy of this form and any relevant background papers should be forwarded to Governance Services at

Democratic.Services@doncaster.gov.uk who will arrange publication.

It is the responsibility of the decision taker to clearly identify any information that is confidential or exempt and should be redacted before publication.