

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: e.g. Adults Health and Wellbeing/MHCLG safe accommodation grant/2021-2022

BOX 1

DIRECTORATE: Adults Health and Wellbeing

DATE: 26th April 2021

Contact Name: Bill Hotchkiss

Tel. No.: 07890 632925

Subject Matter: Proposed expenditure for the MHCLG safe accommodation grant for victims of domestic abuse

BOX 2**DECISION TAKEN**

- 1) To agree the proposed plans for spending the MHCLG safe accommodation grant for victims of domestic abuse, with permission given for variation in the amounts
- 2) For the 2021-2022 financial year only, to use MHCLG funding to pay for commitments currently being funded by Doncaster Council funds, and to ensure that Doncaster Council contracts will revert back to being paid for Doncaster Council if there is insufficient money from MHCLG in 2022-2023
- 3) To agree to roll forward any underspend from the grant into 2022-2023

BOX 3**REASON FOR THE DECISION**

This is further to the key decision taken by the cabinet member for communities, voluntary sector and the environment on 16th March 2021 which gave approval for:

- a) the signing of the Memorandum of Understanding for the Safe Accommodation Duty and accepts the £732,742 grant funding;
- b) that the funding will be spent on the areas detailed in the report at paragraph 10;
- c) approves to delegate authority to the Director of Adults, Health & Wellbeing, in consultation with the Portfolio Holder for Communities, Voluntary Sector and the Environment, to amend the spend subject to completion of consultation, a needs assessment and the development of a new Domestic Abuse Strategy for Doncaster (and in accordance with the grant conditions).

There are some changes in proposed expenditure that was detailed in paragraph 10 of the previous report as a result of some clarification from MHCLG about what the money can be spent on, changes in circumstances for other projects and new data received. The proposed expenditure is now as follows.

Initiative	MHCLG funding	Doncaster Council funding
Refuge and dispersed accommodation	£229,858	£69,142
Sanctuary scheme	£31,000	£30,000
Domestic abuse hub advisors	£26,000	£52,000
Survivor Liaison Worker		£31,000
Additional temporary accommodation	£31,000	£56,000
Additional management capacity in the Doncaster Council domestic abuse team	£36,507	
Domestic abuse strategic lead	£53,397	
Support for children in safe accommodation (to be awarded to DCST)	£45,000	
Community engagement worker (to be awarded to DCST)		£36,000
Total	£452,762	£274,142

Amounts may vary following further negotiation with partner agencies and any delays in recruitment.

Doncaster Council currently commissions a refuge and dispersed accommodation service together with outreach support for victims of domestic abuse at a cost of £300,000. The funding for this contract currently comes from the Council's General Fund. The additional funding from the Ministry for Housing Communities and Local Government (MHCLG) must be used for victims of domestic abuse in safe accommodation. The aim is to therefore utilise the MHCLG funding for the safe accommodation element of this contract in 2021-2022 which will enable some of the existing funding to be re-profiled to fund more innovative projects and fill gaps in service provision.

Doncaster Council has recently appointed a temporary domestic abuse strategic lead to ensure that the new domestic abuse strategy and needs assessment are produced and statutory requirements are met at a cost of £53,397. This post can be funded this financial year with MHCLG which will allow this money to also be re-profiled and used to fund gaps identified in the needs assessment.

Total available funds:

MHCLG (2020-2021)	£50,000
MHCLG (2021-2022)	£732,742
Doncaster Council general fund (Riverside contract)	£300,000
Doncaster Council DA Strategic Lead post	£53,397

Total

£1,136,139

This means a total of £782,742 for safe accommodation projects and in preparation for meeting the requirements of the Domestic Abuse Bill and £353,397 which will be released if spend is re-profiled to be paid for by MHCLG.

The MHCLG has stated that funding for the safe accommodation duty will be awarded in 2022-2023 but cannot confirm the amount. It is therefore vital that the contract with Riverside will revert to being paid for by Doncaster Council if the grant is reduced significantly.

The Doncaster Council domestic abuse strategic lead post is a temporary post and will end in March 2022.

Due to restrictions about what the MHCLG grant can be spent on, as well as what we know are current gaps, it is proposed that the majority of the funding be used for support roles. In order to attract quality candidates we need to offer 12 month contracts. It is therefore vital that some funding be carried forward into 2022-2023 to pay for these commitments.

The ability to roll forward underspend also means that Doncaster Council and the domestic abuse partnership will be able to implement findings from the domestic abuse needs assessment and consultation without having to wait to see what the grant will be for 2022-2023. The MHCLG has confirmed that the funding is not ring fenced and it is therefore for the Council to make the decision.

The decisions taken will therefore:

- Enable the Council to meet its statutory duties following the introduction of the Domestic Abuse Bill.
- Ensure flexibility in our approach to tackling domestic abuse in Doncaster and the ability to be responsive to the findings of the consultation and needs assessment work that is currently taking place for the production of the domestic abuse strategy.
- Ensure that financial commitments are secure for 2022-2023 if the MHCLG grant is reduced.
- Increase the likelihood of attracting quality candidates by ensuring that 12 month contracts can be awarded.

BOX 4**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

The funding has been accepted and so we do not have any other option but to spend the grant.

There are currently no other options that have been suggested for the spend. Decisions about the remaining spend will be based on the needs assessment and consultation and must be in line with the grant agreement.

Without re-profiling the Doncaster Council money that it is already being spent on domestic abuse projects we do not have the flexibility to meet the growing demand for support that we have evidence to prove exists. This leaves victims of domestic abuse at risk of further harm.

Using agency workers or shorter term contracts has been considered and in the case of the Survivor Liaison Worker is being pursued. However, using agency workers is more expensive and we risk losing workers to longer term contracts offered elsewhere. A minimum of 12 months is felt to be the best option. This therefore requires funding to be rolled forward into 2022-2023.

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. S111 of the Local Government Act 1972 states that a local authority shall have power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

Under the new Domestic Abuse Bill, Councils will be legally required to deliver support in secure accommodation for survivors of domestic abuse and work with neighbouring councils to ensure domestic abuse services reflect the needs of local people.

Monies provided must be spent strictly in accordance with the Grant terms and conditions set out in the Memorandum of Understanding with MHCLG. Failure to do this may result in the clawback of funding.

Name: Scott Fawcus Signature: S.R. Fawcus Date: 30/04/21

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

BOX 6**FINANCIAL IMPLICATIONS:**

This ODR seeks to agree the proposed plans for spending the MHCLG safe accommodation grant for victims of domestic abuse (£732k), with permission given for variation in the amounts,

For the 2021-2022 financial year only, to use MHCLG funding to pay for commitments currently being funded by Doncaster Council funds, and to ensure that Doncaster Council contracts will revert back to being paid for Doncaster Council if there is insufficient money from MHCLG in 2022-2023. Additionally To agree to roll forward any underspend from the grant into 2022-2023.

The £732k funding has already been approved by a Rule 16 Special Urgency Decision taken by Councillor Chris McGuinness: Safe Accommodation Duty – Acceptance of Grant Funding. This ODR seeks to change what the £732k is intended to be spent on and is detailed in the body of the report. The contract with Riverside £299k is currently funded from Domestic abuse general fund and Supporting people general fund, The post for the Strategic Lead Domestic abuse post is again funded from Domestic abuse general fund. If the MHCLG grant is used to fund these posts then this is likely to release

General fund to be used for other purposes. It is not guaranteed that any underspend can be automatically rolled forward into future financial years. The approval of carry forwards is subject to financial procedure rules B18 as below

Treatment of Year-End Under/Overspends B.18 Any under / overspend at the year-end on the Directorate revenue budget will not be carried forward to the following financial year. B.19 The CFO may approve a budget carry forward of a ring-fenced grant or where a grant has conditions or expectations attached, where the related expenditure is not expected to be incurred in the current financial year. The CFO may also approve a budget carry forward where not carrying the budget forward would adversely affect the Council's budget position. Cabinet will approve all other budget carry forward requests through the outturn report, taking advice from the CFO and Chief Executive.

Name: Nick Cameron Signature:



Date: 28th April 2021

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

BOX 7

OTHER RELEVANT IMPLICATIONS

HUMAN RESOURCES

Human Resources supports the proposal to recruit the roles as part of the MHCLG safe accommodation grant/2021-2022 and recruiting through Reed Agency system, a new order will be required with a new set of deliverables so the HR Manager for Adults Health & Well-being can sign this off.

A new IR35 assessment will also be required, HMRC's IR35 rules moves the responsibility for statutory deductions from the worker's personal service company (PSC) to the organisation paying the worker / PSC. This is to ensure appropriate deductions of tax and NI are made. The Council are responsible for determining if a role falls inside / outside IR35. The hiring manager

must complete the IR35 tool in advance of placing an order through Reed's ordering system (XMS).

The fixed 12 months contract:-

- Domestic Abuse HUB Advisor ID 7558 – Grade 6
- Survivor Liason Worker ID 7836 – Grade 6

These new posts should be recruited to in line with DMBC's Safer Recruitment policy, initially open to Redeployees before being advertised to the wider public and then created on the HR portal.

Employees who were employed before 6 April 2012 and have 1 year's continuous service, or after 6 April 2012 and have at least two years continuous service, accrue employment rights. Employees who complete 2 years continuous service accrue rights to a redundancy payment.

Fixed-term employees have the right not to be treated less favourably than comparable permanent employees because they are on a fixed-term contract. This means you must treat fixed-term employees the same as comparable permanent employees unless there are 'objectively justifiable' circumstances for not doing so (i.e. there is a genuine, necessary and appropriate business reason). This means the same or equivalent (pro-rata) pay and conditions, benefits, pension rights and opportunity to apply for permanent positions within the business.

Under the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002, employees who have been on a fixed-term contract for four years or longer will usually be legally classed as permanent if their contract is renewed or if they are re-engaged on a new fixed-term contract.

The only exemptions are when employment on a further fixed-term contract is objectively justified to achieve a legitimate business aim or when the period of four years has been lengthened under a collective or workplace agreement

Name: Sarah Brown Signature:  Date: 30/04/2021

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).

Anyone can be a victim of domestic abuse; however, we know that women are disproportionately affected, as are disabled people and LGBT+ people. The domestic abuse services are inclusive by design. The work around the consultation that is currently taking place is designed to obtain feedback in relation to equality, barriers, needs etc.

An equality impact assessment will be produced alongside the new domestic abuse strategy.

This proposal enables the Partnership and ourselves as a public authority to discharge our responsibilities effectively within the terms of the Equality Act, ensuring that our services do not

tolerate prohibited behaviours and we actively work to reduce discrimination, advance equality of opportunity and the fostering of good relations.

BOX 9

RISK IMPLICATIONS: (To be completed by the author)

There is a risk that sufficiently experienced and qualified workers might not be found which is why we need to make the roles attractive with 12 month contracts. It is also vital that we have 12 month contracts as some victims will need ongoing support and continuity of care to prevent further risk and harm.

There is a risk that the projects do not spend the amount allocated in the table above due to delays in recruitment and start times. It is therefore vital that funding is rolled forward to the next financial year.

There is a risk that the MHCLG will reduce the amount of funding for 2022-2023 which is why Doncaster Council must be prepared to revert back to funding existing contracts from current budget lines. Other projects that are funded must be done so in the knowledge that future funding might not be available.

There is a risk of delays in implementing new projects with the allocated funding if flexibility to allocate the remaining money is not delegated.

BOX 10

CONSULTATION

Consultation has taken place with partners involved in the Doncaster domestic abuse chief officer group (which reports to the Safer Stronger Doncaster Partnership). Proposed expenditure is based on the evidenced need for additional support and gaps in current provision. An extensive consultation and needs assessment is currently taking place which will identify additional gaps and recommendations for investment.

The Cabinet Member for Community Safety Councillor, Chris McGuinness is being consulted.

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:** 04/05/2021

Signature of FOI Lead Officer for service area where ODR originates

BOX 12

BACKGROUND PAPERS

This is further to the key decision taken by the cabinet member for communities, voluntary sector and the environment on 16th March 2021 which gave approval for:

- a) the signing of the Memorandum of Understanding for the Safe Accommodation Duty and accepts the £732,742 grant funding;
- b) that the funding will be spent on the areas detailed in the report at paragraph 10;
- c) approves to delegate authority to the Director of Adults, Health & Wellbeing, in consultation with the Portfolio Holder for Communities, Voluntary Sector and the Environment, to amend the spend subject to completion of consultation, a needs assessment and the development of a new Domestic Abuse Strategy for Doncaster (and in accordance with the grant conditions).

**BOX 13
AUTHORISATION**

Name: Phil Holmes__ Signature:  Date: __13/05/2021__

Director of Adults Health and Wellbeing

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

YES/NO

If yes please authorise below:

Name: _____ Signature: _____ Date: _____

Chief Executive/Director/Assistant Director of _____

Consultation with Relevant Member(s)

Name: Chris McGuinness Signature:  Date: 04/05/2021

Designation Cabinet Member for Communities, Voluntary Sector & the Environment

(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.