

REQUEST FOR MAYORAL DECISION – MD2892

Title: Domestic abuse support in safe accommodation - strategy and commissioning

Executive summary:

Part 4 of the Domestic Abuse Act 2021 (the 2021 Act), which commenced on 1 October 2021, includes a new duty on Tier 1 authorities (the Greater London Authority (GLA) in London) to support survivors of domestic abuse and their children in refuges and other safe accommodation. The GLA has been allocated £20.668m by the Department for Levelling Up, Housing and Communities (DLUHC) to discharge its duty in 2021-22 (to cover both administration and support costs). Mayoral approval (via MD2788) has been given for the receipt and expenditure of this funding. The Mayor has also approved (via MD2788 and MD2842) the GLA entering into a shared services arrangement whereby the Mayor's Office for Policing and Crime (MOPAC) supports the GLA to undertake the activities associated with the new duty and the transfer of up to £15.868m of the 2021-22 funding from the GLA to MOPAC for this purpose.

Key elements of the duty are to produce a strategy and give effect to that strategy through commissioning decisions. Regulations accompanying the 2021 Act require a draft strategy for consultation to be published by 26 October 2021, followed by the publication of a final version before 5 January 2022. Approval is sought to publish the draft strategy (Appendix 1) for consultation during w/c 1 November 2021, and for the commissioning approach in accordance with the strategy, the process for which will include MOPAC setting up and calling off a framework of providers.

Decision:

That the Mayor:

- i) approves the content and publication of London's draft strategy for accommodation-based support for survivors of domestic abuse and their children for consultation during w/c 1 November 2021 (see Appendix 1)
- ii) delegates authority to the Deputy Mayor for Housing and Residential Development, in consultation with the Deputy Mayor for Policing and Crime at MOPAC, to approve non-material changes to the above-mentioned draft strategy ahead of publication
- iii) approves the commissioning approach set out in this paper whereby MOPAC will establish a framework and will jointly, with the GLA, call off from the framework for providers to support survivors of domestic abuse and their children in refuges and other safe accommodation.

Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:



Date: 4 November 2021

PART I – NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Introduction and background

- 1.1 The Domestic Abuse Act 2021 (the 2021 Act) received Royal Assent on 29 April 2021. Part 4 of the 2021 Act, which commenced on 1 October 2021, confers a statutory duty on Tier 1 authorities (the GLA in London) to support survivors of domestic abuse and their children in safe accommodation. The Domestic Abuse (Local Authority Strategies) Regulations 2021 (the 2021 Regulations) also came into force on 1 October 2021. Prior to the commencement of Part 4, the GLA entered into a memorandum of understanding (MOU) with the then Ministry for Housing, Communities and Local Government (MHCLG) (now the Department for Levelling Up, Housing and Communities (DLUHC)) agreeing to undertake the activities set out in Part 4 of the 2021 Act from 1 April 2021 until commencement of Part 4. The DLUHC has allocated new burdens funding of £20.688m to the GLA for 2021-22, to cover both administration and support costs.
- 1.2 Mayoral approval (via MD2788 and MD2842) has been given for the GLA to enter into the MOU, the receipt and expenditure of the 2021-22 funding, and specific expenditure for grant funding in 2021-22 of up to £5m for London boroughs, of which £3.377m has been allocated to the boroughs, and £1.433m for service providers. The Mayor has also approved, via these Mayoral Decisions, the GLA entering into a shared services arrangement. Through this arrangement, the Mayor's Office for Policing and Crime (MOPAC) supports the GLA to undertake the activities associated with the new duty and the transfer of up to £15.868m of the 2021-22 funding from the GLA to MOPAC for this purpose. A shared services agreement is about to be signed.
- 1.3 The key functions required of Tier 1 authorities, as outlined in the 2021 Act and the 2021 Regulations and statutory guidance, are to:
- appoint a domestic abuse local multi-agency partnership board that will provide advice to the GLA as to the exercise of its functions under section 57 of the 2021 Act (the 2021 Act sets out the key agencies and interests that must be represented on the partnership board)
 - assess, or make arrangements for the assessment of, the need for domestic abuse support in the authority's area (domestic abuse support means support, in relation to domestic abuse, provided to survivors of domestic abuse, or their children, who reside in relevant accommodation)
 - prepare, publish and keep under review a strategy for the provision of such support in London
 - monitor and evaluate the effectiveness of the strategy
 - give effect to the strategy in carrying out its functions through commissioning and decommissioning decisions
 - after the end of each financial year, submit an annual report to the Secretary of State in relation to the exercise of the GLA's duties during the year.
- 1.4 An initial London needs assessment has been undertaken (Appendix 2). Informed by the needs assessment and further consultation with stakeholders, a draft strategy for the provision of accommodation-based domestic abuse support in London has been prepared (Appendix 1).
- Publication of the draft strategy for consultation
- 1.5 The 2021 Regulations specify that the final strategy must be published before 5 January 2022 and the draft strategy must be published at least 10 weeks before this date, i.e. by 26 October 2021. The proposal is to publish the draft strategy during w/c 1 November after the statutory deadline has passed. The reasons for the delay in publication of the draft strategy are predominantly due the

challenging deadline in the context of the complexity of the strategy and the associated policies given that the GLA's responsibilities for the provision of accommodation-based domestic abuse support must cover the whole of London and require engagement with all London boroughs and numerous voluntary sector and other organisations. The statutory deadlines for publishing the draft and final versions of the strategy were also confirmed on 9 September 2021 when the 2021 Regulations were laid before Parliament.

- 1.6 Approval is sought to publish the draft strategy for consultation during w/c 1 November, with delegation to the Deputy Mayor for Housing and Residential Development, in consultation with the Deputy Mayor for Policing and Crime at MOPAC, to approve any non-material changes to the version in Appendix 1. The needs assessment will be published alongside the draft strategy.
- 1.7 Further detail on the consultation period for the draft strategy is in paragraph 4.5 below.
- 1.8 A further Mayoral Decision will be sought to approve the contents and publication of the final strategy.

Commissioning approach and commissioning framework

- 1.9 Approval is also sought for the approach detailed below to commission providers. The approach will be outcome-based, with the outcomes to be achieved by services rooted in the proposals set out in the strategy. These are structured in the draft strategy as follows:
 - improving early intervention
 - improving access to and the provision of safe crisis accommodation
 - improving access to and the provision of second-stage and move-on accommodation, and resettlement
 - improving standards of safe accommodation
 - overarching issues:
 - meeting a diversity of need so that all groups can access and receive appropriate services
 - improving data and information to better enable strategic planning.
- 1.10 The process for commissioning will involve setting up and calling off (via mini-competitions) a framework of service providers. The framework will be in place for up to four years. The framework will be used to commission services at a pan-London, multi-borough and borough level, as appropriate. As the statutory duty to support survivors of domestic abuse and their children in safe accommodation cannot be delegated to MOPAC (although MOPAC will be providing administrative, technical and professional services in respect of the duty under the Act), MOPAC cannot enter into call-off agreements under the framework as if it was discharging the duty. For this reason, call-off agreements under the framework will be jointly procured by MOPAC and the GLA. It will also be open to London boroughs to call off, where they wish to commission services themselves.
- 1.11 The set-up of the framework and initial mini-competitions will happen simultaneously (between November and the end of January 2022). This is so that services can be mobilised early next year and the 2021-22 funding can be spent by the challenging deadline required by the government (by 31 March 2022).
- 1.12 MOPAC is leading on all aspects of the design and administration of the commissioning process, in line with the arrangement for them to support the GLA to discharge its Part 4 duties. MOPAC will establish the framework and call-off agreements will be called off jointly by the GLA and MOPAC. The call-off commissioning approach and process will be in accordance with the GLA's Contracts and Funding Code.

1.13 There are four key reasons for setting up a commissioning framework:

- Expertise: the framework will ensure that services are delivered by providers with the appropriate expertise and experience. The evaluation process will take into account elements such as outcomes, social value, innovation as well as value for money. A specific aim is to improve specialist services available to survivors and their children.
- Inclusivity: it will enable smaller and specialist (including 'by and for') organisations to deliver services, either in partnership or in their own right. The framework will be accessible and inclusive, with the selection of providers heavily weighted to experience and the ability to deliver high quality outcomes rather than price. This is particularly beneficial for smaller, grassroots organisations, which are often able to reach the most marginalised and vulnerable survivors but are often unable to compete on cost with larger, generic providers.
- Consistency: the framework will establish a pan-London approach and delivery model which will contribute to addressing disparities in service provision across the capital.
- Timing: services can be commissioned more quickly via a framework than stand-alone procurements. This is important not only so that survivors and their children can benefit as soon as possible but also to enable the funding to be spent within the timeframes required by the government.

2. Objectives and expected outcomes

2.1 The objectives of the strategy are as follows:

- to support the right of survivors to access physically and psychologically safe spaces where they and their children can recover safely from abuse, supported by services rooted in a rights-based, trauma-informed and gender-informed approach
- to ensure that accommodation-based domestic abuse services, including refuges, reflect the culture, language, religion and community of those they serve, and are run by 'by and for' specialist providers where appropriate
- to reduce the barriers to accessing services faced by survivors, such as through the provision of interpreters, and support for Deaf and disabled survivors and those with no recourse to public funds
- to ensure that such services are of a consistently high quality, both in terms of support and the accommodation provided; over time, all provision should be self-contained
- to be more strategic in the way support is commissioned, delivered and accessed, with the development of more multi-borough and pan-London level services, where appropriate, and access not constrained by postcode.

2.2 The commissioning approach, including the framework, will contribute to these objectives by ensuring that services funded under the duty are:

- rapidly commissioned
- delivered by providers with the appropriate expertise and experience, in particular for the most marginalised and vulnerable survivors and their children
- of consistent and high quality across the capital.

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.

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).

3.2 Characteristics of survivors of domestic abuse (national figures):

- 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.

3.3 Given the above, the proposals in this paper are likely to have positive impacts on a number of groups with protected characteristics. Specifically, the work outlined above will focus on arrangements to facilitate improvements in accommodation and support for survivors of domestic abuse (who are more likely than the general population to be women and to have mental health support needs). The equalities implications will be kept under review throughout this programme of work including in relation to the commissioning of support.

4 Other considerations

Key risks and issues

4.1 Table of risks and issues

Risk description	Rating	Mitigating action
The deadline for the publication of the final	Red	These tight timescales (which apply to all Tier 1 authorities) are even more challenging in London

version of the strategy outlined in the 2021 Regulations will not be met		than elsewhere, given the far more complex landscape of needs, provision and stakeholders. Action taken by the GLA to ensure that the strategy is produced as quickly as possible includes securing, through a shared services agreement, the services of MOPAC to undertake most of the key activities involved (given their expertise and leading work in this area). However, given the complexity of this work, the statutory deadline of before 5 January 2022 to publish the final strategy is still very challenging, particularly given the Christmas /New Year holiday period.
Insufficient capacity in the market to deliver the services needed/being commissioned, meaning that outcomes for survivors will not be maximised and the 2021-22 will not be spent in full	Amber	MOPAC has been engaging potential bidders and other stakeholders, to raise awareness of and enable participation in the design of the commissioning approach, including the framework. In addition, the commissioning approach will ensure that the widest range possible of smaller, specialist organisations (including 'by and for') are able to bid and are not penalised by an evaluation approach that disproportionately weights cost to the detriment of experience and expertise. MOPAC will also be convening a series of clarification session for potential bidders in November.
Providers on the framework/that win mini-competitions may not have the expertise, experience or capacity to deliver services effectively	Green	There will be a robust commissioning process whereby providers must demonstrate their capacity to deliver and appropriate expertise and experience. An expert panel will evaluate bids in line with agreed criteria. In addition, a robust contract and contract monitoring process will include setting clear objectives for providers 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
- the Mayor's Violence Against Women and Girls (VAWG) Strategy.

4.3 New versions of the Mayor's Police and Crime Plan and the Mayor's VAWG Strategy are currently being developed.

Impact assessments and consultations

4.4 Both the [London Housing Strategy](#) and the [VAWG Strategy](#) were subject to public consultation and equalities impact assessments.

4.5 It is proposed that the public consultation on the draft strategy will run until 21 November 2021. This period of consultation will therefore be under three weeks, to allow sufficient time for responses to be considered in time for publication of the final strategy before 5 January 2022.

- 4.6 It follows extensive consultation with a wide range of stakeholders undertaken in recent months during the development of the draft strategy. 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 (Partnership Board) appointed by the GLA, the London boroughs and such other persons as the GLA considers appropriate. Consultation activities included a workshop with the Partnership Board and surveys of London boroughs and other key stakeholders (76 groups and individuals). Twenty-five boroughs (mainly VAWG coordinators), 47 service providers, 10 housing providers and 14 key other stakeholders responded to surveys and/or participated in a consultation meeting. In addition, seven survivors participated in the consultation.
- 4.7 The Partnership Board has been set up. Its membership goes far beyond the representation required under the 2021 Act, to ensure that the widest possible range of interests are represented (see Appendix 3).
- 4.8 The draft strategy will be published on the GLA and MOPAC websites and sent to the Partnership Board, all London boroughs and other key stakeholders. Stakeholders will also be engaged at events and meetings, including a meeting of the Partnership Board. As MOPAC is providing professional support services to the GLA relating to the duties under the 2021 Act, it will manage the consultation.
- 4.9 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 draft strategy. This included a workshop with the Partnership Board, interviews with four survivors of domestic abuse, a provider survey, a VAWG co-ordinator survey, two focus groups with key stakeholders and 13 one-to-one meetings with key stakeholders.
- 4.10 MOPAC has also convened a series of stakeholder workshops with boroughs and service providers on the commissioning approach and process.
- 4.11 An equalities impact assessment is being undertaken on the draft strategy. A final equalities impact assessment will be published with the final strategy.

Conflicts of interest

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

5 Financial comments

- 5.1 The decision is seeking approval to publish the draft strategy for the provision of accommodation-based domestic abuse support in London. Approvals are also sought for the commissioning approach, which is output-based. Costs associated with the publication of the strategy and setting-up the framework for commissioning will be funded from the £20.688m grant from DLUHC.
- 5.2 MD2842 approved the transfer of up to £15.868m of 2021-22 funding to MOPAC to support the GLA to undertake the new duty. Funding to meet MOPAC's administrative costs and the cost of commissioning services, up to this amount, will be transferred to MOPAC in due course.

6 Legal comments

- 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 authority (which is the GLA in London) must prepare and publish a strategy for the provision of accommodation-based domestic abuse support in its area. Section 57(4) provides that before publishing a strategy under this section, a relevant local

authority must consult the local partnership board, local authorities in its area and other persons the considered appropriate.

- 6.3 The 2021 Regulations, made under section 57(9) of the 2021 Act, provide that a relevant local authority (the GLA in London) that prepares and publishes a section 57 strategy:
- must first publish a section 57 strategy before 5 January 2022
 - before publishing a section 57 strategy, must publish a draft of the strategy, at least 10 weeks before the date on which the authority intends to publish it.
- 6.4 The statutory guidance to Part 4 published on 1 October 2021 provides that the relevant authorities should publish a draft strategy for consultation by 26 October 2022 and first publish the strategy before 5 January 2022. The statutory guidance also sets out the content of the draft strategy and who should be consulted on it.
- 6.5 Section 57(3) of the 2021 Act provides that a relevant local authority that publishes a strategy must, in carrying out its functions, give effect to the strategy.
- 6.6 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:
- 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
 - re-offending in its area.
- 6.7 The statutory duty to support survivors of domestic abuse and their children in safe accommodation cannot be delegated to MOPAC. MOPAC can only provide administrative, technical or professional services in respect of the duty under the 2021 Act and therefore MOPAC cannot enter into call-off agreements under the framework as if it was discharging the duty. For this reason, call-off agreements under the framework must be jointly procured by MOPAC and the GLA. Call-off agreements must also be procured in accordance with the GLA's Contracts and Funding Code and officers must ensure that the GLA is a party to contracts with the contractors before the commencement of the services.
- 6.8 Officers must ensure that, where appropriate, call-off agreements comply with data protection legislation.

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
Draft strategy published	W/c 1 November 2021
Further consultation on the draft strategy	To 21 November 2021
Commissioning commences (framework and mini-competitions) – immediately following publication of the draft strategy	Early November 2021
Deadline for bids	Late November 2021
Framework contracts and contracts for services awarded and mobilisation	January 2022

Further mini-competitions	Ongoing
Potential further opportunities to join the framework, if required	December 2021 /January 2022, and at least annually thereafter
Final version of the strategy published	Before 5 January 2022
Strategy reviews	Annually

Appendices and supporting papers:

Appendix 1 Draft version of draft strategy

Appendix 2 London Domestic Abuse Safe Accommodation Needs Assessment

Appendix 3 London Domestic Abuse Safe Accommodation Partnership Board membership

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? YES**

If YES, for what reason: non-material changes may be made to the draft strategy before it is published.

Until what date: the date the draft strategy is published (during w/c 1 November 2021)

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 – YES**ORIGINATING OFFICER DECLARATION:**

Drafting officer
to confirm the
following (✓)

Drafting officer:

Debra Levison has drafted this report in accordance with GLA procedures and confirms the following:

Sponsoring Director:

Rickardo Hyatt has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

Mayoral Adviser:

Tom Copley and Sophie Linden have been consulted about the proposal and agree the recommendations.

Advice:

The Finance and Legal teams have commented on this proposal.

Corporate Investment Board

This decision was agreed by the Corporate Investment Board on 1 November 2021.

EXECUTIVE DIRECTOR, RESOURCES: Enver Enver on behalf of David Gallie

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

Signature



Date

1/11/21

CHIEF OF STAFF: Richard Watts on behalf of David Bellamy

I am satisfied that this is an appropriate request to be submitted to the Mayor.

Signature

Richard Watts on behalf of David Bellamy:



Date

1/11/21