

CABINET

12 November 2019

Title: Contract for the Continuation of the East London Women's Project	
Report of the Cabinet Member: Cabinet Member for Regeneration and Social Housing	
Open Report	For Decision
Wards Affected: All	Key Decision: No
Report Author: Dawn Eckersley, East London Housing Partnership Manager	Contact Details: Tel: 07813 355350 E-mail: dawn.eckersley@lbbd.gov.uk
Accountable Director: Mark Fowler - Director, Community Solutions	
Accountable Strategic Leadership Director: Elaine Allegretti – Director, People and Resilience	
Summary	
<p>The East London Women's Project has operated since 2014 from a St. Mungo's building in the London Borough of Newham and accommodates previously homeless women with complex needs including a history of domestic abuse and issues such as substance misuse, mental health and a history of sex work.</p>	
<p>The East London Housing Partnership has been awarded a grant of £597,000 from MHCLG to continue the existing ELWP and provide an enhanced level of service allowing the project to accept referrals with higher support needs than at present. Funding is allocated over 2018/19 (£308,174) and 2019/20 (£388,826)</p>	
<p>St. Mungo's are the only provider able to deliver this service and this will provide continuity for existing residents of the project. MHCLG have confirmed this arrangement is compliant with the conditions of the grant funding.</p>	
<p>MHCLG have awarded this grant on the understanding that the East London Women's Project will continue to operate from the same premises and will continue to be delivered by the incumbent provider. The project offers a very specialist service to homeless female survivors of domestic abuse who also have additional high support needs connected to issues such as mental health problems, substance misuse, offending behaviour and sex work. The project has existed since 2014 and St. Mungo's have developed considerable expertise working with this very vulnerable client group and have a team of appropriately skilled and experienced staff. The project currently operates at full occupancy and it would not be helpful to move the service to another location or a different provider as continuity of support planning would inevitably be affected. The ELWP is a unique project and there are no other providers operating within the sub-region who currently deliver this specific and intensive accommodation-based support service for this very vulnerable client group.</p>	
<p>A report requesting a tender waiver was approved by Main Procurement Board on 21 October 2019</p>	

Recommendation(s)

The Cabinet is recommended to agree:

- (i) To waive the Council's contract rules and not go out to formal tender and, on behalf of the East London Housing Partnership, direct award the East London Women's Project contract to St. Mungo's in accordance with the strategy set out in this report with effect from 1 January 2019 until 31 March 2020; and
- (ii) Authorise the Director of Law and Governance, or an authorised delegate on their behalf, to execute all the legal agreements, contracts and other documents on behalf of the Council.

Reason(s)

This report relates to the Council's priority of empowering people and the objectives to enable greater independence whilst protecting the most vulnerable and strengthen our services for all.

1. Introduction and Background

- 1.1 The East London Housing Partnership has funded the East London Women's Project since 2014 through grant applications.
- 1.2 Most recently, the project operated under a Grant Agreement (27 June 2017 – 24 June 2018) and a subsequent extension of this agreement (July 2017 – December 2018). Cabinet approval was not required for this Agreement as the value was below the £500,000 threshold.
- 1.3 Recent advice from LB Barking and Dagenham Law and Governance has indicated that a Contract for Services is more appropriate than a Grant Agreement to allow more detailed performance monitoring of the project going forward.
- 1.4 The project is a collaboration between the 8 East London boroughs and the third sector to deliver a refuge providing shared, supported accommodation for single female survivors of domestic abuse with multiple disadvantage. This group of women often struggle to access mainstream refuge provision due to their complex support needs.
- 1.5 The main project building provides 9 bed spaces for residents with support needs including substance use, rough sleeping, sex working, mental health issues and offending behaviour.
- 1.6 With the recent MHCLG grant staff cover on this project will be extended from current cover of 12 hours a day 7 days a week, to 24 hours a day, 7 days a week (providing overnight waking staff cover) – the ELWP will be able to support survivors with higher support needs requiring staff on site 24 hours a day.
- 1.7 Bed spaces will also be increased by 6, using an additional building as second stage accommodation for women who are ready to move to lower supported accommodation.

- 1.8 ELWP provides one funded (rent, subsistence, specialist support) bed space for single female survivors of domestic abuse without recourse to public funds.
- 1.9 ELWP will provide a worker to deliver floating support to female LGBT survivors of domestic abuse.
- 1.10 ELHP provides a rent deposit up to £1,800 for women ready to move out who do not fall within a local authority duty for accommodation.

2. Proposed Procurement Strategy

To waive the requirement to undertake a formal tender in accordance with the Council's Contract Rules 28.7. The grounds upon which this waiver is required are:

Contract Rule 6.6 (c): That there is only one supplier in the market capable of providing the service, goods or works e.g. a specific artist with intellectual property rights in a work of art, such that there is no benefit to be gained from competition;

Contract Rule 6.6 (g): The nature of the market for the works to be carried out or the goods or services to be provided has been investigated and is such that a departure from the requirements of Contract Rules is justifiable;

Contract Rule 6.6.(h): There are other circumstances which are genuinely exceptional.

2.1 Outline specification of the works, goods or services being procured

2.1.1

- Continued delivery of the East London Women's Project (ELWP) to a revised specification including 24-hour waking staff cover so that the project can accept survivors with higher support needs.
- 15 bed spaces to include second stage bed spaces to prepare women for move on out of the refuge.
- A funded bed space for survivors without recourse to public funds.
- A floating support to self-defining female LGBT domestic abuse survivors in East London.

2.2 Estimated Contract Value, including the value of any uplift or extension period

- 2.2.1 £597,000 in total over 2 financial years (2018/19 and 2019/20).

2.3 Duration of the contract, including any options for extension

- 2.3.1 2018/19 and 2019/20 (to end 31st March 2020).

2.4 Is the contract subject to (a) the (EU) Public Contracts Regulations 2015 or (b) Concession Contracts Regulations 2016? If Yes to (a) and contract is for services, are the services for social, health, education or other services subject to the Light Touch Regime?

2.4.1 This service is subject to the light touch regime as defined in the Public Contracts Regulations 2015 and so is not subject to the full EU public procurement regime.

2.4.2 The service is, however, subject to the requirements of LBBD's constitution and specifically its contract rules.

2.5 Recommended procurement procedure and reasons for the recommendation

2.5.1 Approval is sought for a direct award to the incumbent provider St. Mungo's.

2.6 The contract delivery methodology and documentation to be adopted

2.6.1 The Council's standard terms and conditions to be used.

2.7 Outcomes, savings and efficiencies expected as a consequence of awarding the proposed contract

2.7.1 The outcomes expected as a consequence of this contract are to continue to provide a high level of support to vulnerable and disadvantaged women in the sub-region. This will help to ensure that those women are provided with safe accommodation, who have been victims of domestic violence and who also have additional high support needs connected to issues such as mental health problems, substance misuse, offending behaviour and sex work. This project aims to support women with moving on out of the refuge into independent accommodation.

2.8 Criteria against which the tenderers are to be selected and contract is to be awarded

2.8.1 The East London Womens Project is funded by MHCLG grant and MHCLG have confirmed their intention that the contract is awarded again to the incumbent provider St. Mungo's as the only provider in the market able to provide this specialist service. The ELWP provides a service which is unique in the sub-region and provides a very high level of support to vulnerable women with high support needs. No other provider delivers this type of specialist support to the very specific client group.

2.9 How the procurement will address and implement the Council's Social Value policies

2.9.1 The East London Women's Project is a unique service providing support to some of the most vulnerable and disadvantaged women in the sub-region. The project offers safe accommodation and an intensive support service to help women address issues such as sex work, mental health issues, offending behaviour and substance misuse and equip them with the skills and confidence to move on into independent accommodation.

2.10 Contract Management methodology to be adopted

2.10.1 Dawn Eckersley (East London Housing Partnership Manager) will be the officer responsible for monitoring this contract – project reporting meetings will be held with senior personnel from St. Mungo's and payments made quarterly and in arrears subject to acceptable performance and delivery against targets.

3. Options Appraisal

3.1.1 **Option 1: Do Nothing:** This option is not viable because the East London Housing Partnership have been awarded £597,000 grant funding to continue the operation of the ELWP – the 2018/19 allocation of this funding has been received and the intention is to backdate the contract to January 2019 when the previous contract with ELHP ended.

Option 2: Undertake a formal tender process in accordance with the Council's Contract Rules: This option is not viable because the East London Women's Project has operated since 2014 from the same building which is owned by St. Mungo's – St. Mungo's are the only organisation able to provide this service and provide continuity of service to existing residents. The MHCLG have confirmed their expectation that the grant will be used to recommission the service provided by St. Mungo's from their building in LB Newham.

4. Waiver

4.1 Procurement Board approval has been obtained to waive the requirement to undertake a formal tender in accordance with the Council's Contract Rules 28.7 and allow a direct award to St. Mungo's. The grounds upon which this waiver is required are:

1. Contract Rule 6.6 (c): That there is only one supplier in the market capable of providing the service, goods or works e.g. a specific artist with intellectual property rights in a work of art, such that there is no benefit to be gained from competition – this Rule applies as St. Mungo's provide an intensive specialised support service which is unique within the sub-region and no other provider has the necessary level of experience, expertise or appropriately skilled staff team.
2. Contract Rule 6.6 (g): The nature of the market for the works to be carried out or the goods or services to be provided has been investigated and is such that a departure from the requirements of Contract Rules is justifiable;
3. Contract Rule 6.6 (h): There are other circumstances which are genuinely exceptional.

Justification for the above waiver grounds was that the project has existed since 2014 and St. Mungo's have developed considerable expertise working with this very vulnerable client group and have a team of appropriately skilled and experienced staff. The project currently operates at full occupancy and it would not be helpful to

move the service to another location or a different provider as continuity of support planning would inevitably be affected.

5. Consultation

- 5.1 The bid to secure the £597,000 grant was collated in consultation with the membership of the East London Housing Partnership East London Delivery Board and the final draft agreed by the ELHP Chief Officers Group.
- 5.2 The proposed contract was considered by Procurement Board on 21st October 2019 and a Tender Waiver was approved.

6. Corporate Procurement

- 6.1 Implications completed by: Francis Parker – Senior Procurement Manager
- 6.2 Corporate procurement has supported this procurement strategy and request for waiver.
- 6.3 The unique funding mechanism means that LBBB cannot influence how this money is allocated and therefore cannot tender this work
- 6.4 The value is below the LTR threshold, so the procurement route is compliant with the EU directives.

7. Financial Implications

- 7.1 Implications completed by: Lance Porteous, Finance Business Partner
- 7.2 There is a Budget Provision of £597,000 available for the proposed contract with St. Mungo's. This is grant funded from MHCLG under section 31 conditions and has already been received; £308,174 for 2018/19 and £288,826 for 2019/20. The project has slipped by a year.

8. Legal Implications

- 8.1 Implications completed by: Graham Marlow, Contracts and Procurement Solicitor.
- 8.2 This service is subject to the light touch regime as defined in the Public Contracts Regulations 2015 and so is not subject to the full EU public procurement regime.
- 8.3 The service is however subject to the requirements of LBBB's constitution and specifically its contract rules.
- 8.4 LBBB's contract rules allow a contract of this nature and value to be awarded without a competitive tender process if a waiver from the contract rules is granted by Cabinet.
- 8.5 The Contract Rules authorise Cabinet to grant a waiver if it is satisfied that, amongst other things and as set out in section 2 above:

Contract Rule 6.6 (c): That there is only one supplier in the market capable of providing the service, goods or works e.g. a specific artist with intellectual property rights in a work of art, such that there is no benefit to be gained from competition;

Contract Rule 6.6 (g): The nature of the market for the works to be carried out or the goods or services to be provided has been investigated and is such that a departure from the requirements of Contract Rules is justifiable;

Contract Rule 6.6.8(h): There are other circumstances which are genuinely exceptional.

8.6 As long as Cabinet is satisfied that one or more of these exceptions apply, then it may authorise a waiver from the requirement for a competitive tender exercise.

9. Other Implications

9.1 **Risk and Risk Management** - The project will be managed through a Contract for Services and performance monitoring and management processes will be in place overseen by the East London Housing Partnership Manager.

9.2 **TUPE, other staffing and trade union implications** - None - additional staff required to deliver this service will be employed by St. Mungo's on fixed-term contracts.

9.3 **Corporate Policy and Equality Impact** - The ELWP will support participating boroughs to promote community cohesion by providing accommodation for vulnerable, homeless women with complex needs. One element of the project is aimed at assisting LGBT women will have a positive impact on borough obligations relating to sexuality and equality.

9.4 **Safeguarding Adults and Children** - The East London Women's Project supports vulnerable single women without parental responsibility.

9.5 **Health Issues** - The East London Women's Project supports women with complex needs including domestic abuse, substance misuse, offending behaviour, sex work, a history of rough sleeping and mental health. Project residents are supported to engage with relevant support provided by specialist agencies to address issues relevant to their homelessness and facilitate their progress towards independent living.

9.6 **Crime and Disorder Issues** - The East London Women's Project supports women who have experienced domestic abuse but also exhibit high support needs due to additional factors such as substance misuse, sex work and offending behaviour and it is intended that the ELWP will assist in reduction of crime and disorder issues relating to these needs and behaviour.

9.7 **Property / Asset Issues** - None – the East London Women's Project operates from a building leased by St. Mungo's from L and Q.

Public Background Papers Used in the Preparation of the Report: None.

List of appendices: None.