

PFCC Decision Report

Report reference number: 106/20

Classification Not protectively marked

Title of report: Changes to Domestic Abuse contracts

Area of County/Stakeholders affected: Countywide

Report by: Greg Myddelton

Date of report: 4th September 2020

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1. Purpose of report

- 1.1. To seek approval for the execution of a deed of novation and variation of the Essex domestic abuse support service contract.

2. Recommendations

- 2.1. Approve the novation of the Essex domestic abuse support contract enabling the contract to transfer from Southend-on-Sea Domestic Abuse Partnership (SoSDAP) to Safe Steps.
- 2.2. Approve the variation of the contract to correct the start date to read 1st April 2019 for Next Chapter and Changing Pathways.

3. Benefits of the Proposal

- 3.1. SoSDAP is transferring its assets to a separate organisation, Safe Steps. This novation will allow our existing domestic abuse support service contract to continue with Safe Steps delivering lot 1 of the contract.

4. Background and proposal

- 4.1. On April 1st 2019 the PFCC and Essex County Council commissioned domestic abuse support service commenced. SoSDAP was successful in tendering for lot 1 of that contract, involving the provision of a single point of access for contact, information and triage for victims of domestic abuse.

- 4.2. Next Chapter and Changing Pathways were successful in tendering for lots 2-4 providing community outreach support, Independent Domestic Violence Advisors (IDVAs) and refuge support.
- 4.3. SoSDAP is now transferring to Safe Steps so, in order to enable the contract to continue without requiring a new tender process, a deed of novation is being issued to be signed by Essex County Council, the PFCC, SoSDAP and Safe Steps.
- 4.4. The deed of novation notes that SoSDAP will transfer its assets including its staff and the DA contract to Safe Steps. It also states that SoSDAP wishes to transfer its rights, obligations and liabilities under the contract to Safe Steps.
- 4.5. The commencement date noted on all the original contracts is the 29th April 2019. The contract actually commenced on 1st April 2019 so a deed of variation is being issued to correct this error.

5. Alternative options considered and rejected

- 5.1. If the PFCC were to reject this proposal we may be required to undertake a new procurement process for lot 1 of this contract which would be costly, time-consuming, and risk destabilising the current support arrangements for victims of domestic abuse.

6. Police and Crime Plan

- 6.1. Breaking the cycle of domestic abuse is a key priority within the PFCC's Police and Crime Plan. This contract provides funding to enable specialist domestic abuse charities to offer direct support to victims of abuse.

7. Police Operational Implications

- 7.1. There is no direct operational impact of this funding for Essex Police.

8. Financial Implications

- 8.1. There are no financial implications of this decision. The costs of the contract are unaffected by this novation or the variation.

9. Legal Implications

- 9.1. The legal implications are set out within the deed of novation and variation. Essex County Council's legal and procurement teams have reviewed all documentation on behalf of the commissioners.

10. Staffing and other resource implications

- 10.1. All SoSDAP staff will transfer to Safe Steps. There are no staffing implications directly for the PFCC.

11. Equality and Diversity implications

- 11.1. There are no direct equality and diversity implications of this decision as the contract and service will continue as they have since April 2019. Equality, diversity and inclusion matters were considered as part of the tendering process.

12. Risks

- 12.1. There are risks associated with this novation. Safe Steps is a new, unknown organisation and, whilst it is registered with the Charity Commission, it does not have the financial standing of SoSDAP or the availability of historical reporting. Essex County Council has undertaken due diligence and commercial compliance checks and satisfied itself and the DA Partnership of Safe Steps' standing.
- 12.2. There is also a risk of challenge to our decision to novate this contract rather than reopen it to tender. This is mitigated by Essex Legal Services, acting on behalf of the commissioners of the service, advising that a novation is an acceptable proposal that will not expose commissioners to challenge.

13. Governance Boards

- 13.1. This decision has not been subject to consideration by any governance boards.

Report Approval

The report will be signed off by the PFCC Chief Executive and Chief Finance Officer, prior to review and sign off by the PFCC / DPFCC .

Chief Executive/M.O

Sign:

Print: P. Brent-Isherwood

Date: 15 September 2020

Chief Financial Officer/Treasurer

Sign:

Print: Elizabeth Helm

Date: 21 September 2020

Publication

Is the report for publication?

YES

NO

If 'NO', please give reasons for non-publication (state 'None' if applicable)

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.....N/A.....

If the report is not for publication, the Chief Executive will decide if and how the public can be informed of the decision.

Redaction

If the report is for publication, is redaction required:

1. Of Decision Sheet

YES

2. Of Appendix

YES

NO

NO

If 'YES', please provide details of required redaction:

.....
.....N/A.....

Date redaction carried out:

Treasurer / Chief Executive Sign Off – for Redactions only

If redaction is required, Treasurer or Chief Executive are to sign off that redaction has been completed.

Sign:

Print:

Chief Executive/Treasurer

Date signed:

Decision and Final Sign Off

I agree the recommendations to this report;



Sign:
Roger Hirst

Print:

PFCC

Date signed: 28 September 2020

I do not agree the recommendations to this report because;

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Sign:

Print:

PFCC/Deputy PFCC

Date signed: