

<b>Subject:</b>	<b>Addressing Sexual and Domestic Violence issues in Procurement and Commissioning</b>		
<b>Date of Meeting:</b>	<b>Monday 10 October 2016</b>		
<b>Report of:</b>	<b>Executive Director Finance &amp; Resources and Acting Director of Public Health</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>James Rowlands</b>	<b>Tel: 292607</b>
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<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE**

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

1.1 The purpose of this report is to seek approval from committee to implement guidance to address domestic violence and abuse (DVA), rape, sexual violence and abuse (RSVA) and other forms of violence against women and girls (VAWG) (such as female genital mutilation, forced marriage and so-called 'honour' based violence) in the council's commissioning and procurement activity

**2. RECOMMENDATIONS:**

- 2.1 That the committee approves the implementation of the guidance set out in Appendix One to address DVA, RSVA and VAWG issues in procurement and commissioning activity.
- 2.2 That the committee notes that if the recommendation at 2.1 is agreed an update report on the effect of implementing the guidance will be brought back to committee for its consideration.

**3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 DVA and RSVA have a significant impact in Brighton & Hove. In 2015/16 there were 4,575 domestic violence incidents and crimes reported to the police (an increase of 4.7% compared with the previous year) and 667 police recorded sexual offences (an increase of 12.3% compared with the previous year).
- 3.2 However, police recorded data is likely to under represent the scale of violence and abuse since substantial numbers of people do not report to the police. Applying the latest prevalence rates from the Crime Survey for England and Wales to 2015 mid-year population estimates shows that in Brighton & Hove:
- 7,639 women and girls, and 3,868 men and boys, aged 16-59 are estimated to have experienced domestic violence and abuse in the last year
  - 2,515 women and girls, and 677 boys and men and boys, aged 16-59 are estimated to have experienced any sexual assault in the last year.

- 3.3 Similarly, there are a range of other forms of violence and abuse that have an impact in Brighton & Hove, including female genital mutilation, forced marriage and so-called 'honour' based violence, as well as stalking and sexual harassment.
- 3.4 In response, Brighton & Hove has a VAWG Strategy, which is consistent with the approach taken by HM Government's recently updated '*Ending violence against women and girls strategy: 2016 to 2020*<sup>1</sup>'.
- 3.5 The overarching outcome of the local strategy is that residents and communities are free from these forms of violence and abuse, specifically by:
- Increasing survivor safety
  - Holding perpetrators to account
  - Decreasing social tolerance and acceptance
  - Increasing people's ability to have safe, equal, violence-free relationships.
- 3.6 In adopting a VAWG strategy the council and its partners are taking a gender specific approach. This reflects the gender differences in the scale, incidence and effects of these forms of violence and abuse:
- Women and girls experience these forms of violence and abuse disproportionately and cumulatively during their lifetime. Consequently, they are a significant cause and consequence of gender inequality, and impact on women's ability to fully participate in employment, education and in local communities
  - The majority of those who perpetrate violence and abuse are men.
- 3.7 However, men can and do experience violence and abuse (and boys as children can witness or experience the same) and their needs need to be considered. Consequently, it is important to ensure that there is support available, proportionate to need, for men and boys. The proposal to address DVA, RSA and VAWG crime types in procurement and commissioning should help to benefit both women and men affected by violence and abuse.
- 3.8 A key driver in the above strategies is a recognition that awareness of, and response to, these forms of violence and abuse should be 'everyone's business' because every point of interaction with a victim/survivor is an opportunity for intervention and should not be missed. However there is a clear evidence base that many victim/survivors find it hard to access help and support. For example in a recent survey of services the Department for Communities and Local Government (DCLG)<sup>2</sup> reported that around 85% of victims of domestic abuse seek help from professionals at least five times before getting the support they need. Consequently, HM Government's '*Ending violence against women and girls strategy: 2016 to 2020*' includes a focus on ensuring that victim/survivors can seek help as they go about their daily lives and in a range of everyday settings (for example through interactions with Citizens Advice, housing providers, Job Centres and employers), including being directed to appropriate support from specialist victim services.

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<sup>1</sup> <https://www.gov.uk/government/publications/strategy-to-end-violence-against-women-and-girls-2016-to-2020>

<sup>2</sup> Cited in HM Government's '*Ending violence against women and girls strategy: 2016 to 2020*'

- 3.9 Locally, this evidence is echoed in learning from Domestic Homicide and Near-Miss Reviews<sup>3</sup>, the findings of which have noted that many services are likely to come into contact with victims of violence and abuse without recognising that they are doing so. This led to a recommendation that “*the specifications for all services commissioned locally include provision in relation to... the city wide outcome*”.
- 3.10 However, while there have been some positive examples of consideration of violence and abuse by commissioners (e.g. substance misuse, sexual health and some housing related support contracts) there is no guidance available to shape this process. There is therefore a need for the city council to develop guidance to enable a more consistent approach.
- 3.11 A further driver in the above strategies is a recognition that for many victim/survivors the workplace is a critical environment as a place of safety or support (for example, because other staff may be able to screen phone calls). In other circumstances it can be a place of risk (for example, if a perpetrator knows where someone works, they can stalk them on their way to or from the workplace). Therefore, employers can play a critical role in both identifying, and developing robust workplace policies to support, employees who may be affected by violence and abuse. This also makes business sense given the potential impact on those affected (e.g. sickness, performance etc.)
- 3.12 However, while there is a range of guidance available on employer policies, to date there has been no consideration of how to explicitly promote an improved response to these forms of violence and abuse by encouraging the introduction of policies to support staff. There is therefore a need for the council to develop guidance to enable a more consistent approach.

### **Proposed guidance**

- 3.13 The proposed guidance set out how DVA, RSVAs and other forms of VAWG can be addressed in procurement and commissioning activity.
- 3.14 The aim is to cascade and promote best practice across the supply chain, thereby better meeting need and improving victim/survivor experience. The draft guidance is set out in Appendix One.
- 3.15 In relation to these proposals, the council itself will need to ensure that there is capacity to support partnership activity to respond to these forms of violence and abuse. These issues are captured in the Community Safety and Crime Reduction Strategy 2014-17 and examples include:
- The roll out of an integrated domestic, sexual abuse and harmful practices training strategy: this has been co-developed by the Safe in the City Partnership with Local Safeguarding Children’s Board, Safeguarding Adults Board and Brighton & Hove City Council’s Workforce Development Team and is being rolled out through 2016
  - The pilot of the Women’s Aid ‘Ask Me’ Scheme, which is a safe enquiry scheme that aims to increase public awareness of domestic violence and abuse (including coercive control) and promote opportunities for disclosures, with support through a simple and clear referral route

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<sup>3</sup> <https://www.safeinthecity.info/domestic-homicide-reviews>

- A review of the city council's existing 'Domestic Violence Toolkit'. The Human Resource team is in the process of reviewing its Domestic Violence Policy in conjunction with our staff, Workers' Forums and trade unions to ensure that it complies with best practice and relevant legislation. The scope of the revised policy has been extended to cover not only domestic violence and abuse but also other forms of sexual violence, stalking and other types of violence against women and girls. The new policy will be supported by guidance and it is anticipated that it will be introduced in the autumn.

### **Scope**

3.16 With reference to the Procurement Team's forward plan 2016/17, the guidance could be used in the commissioning/procurement of a total of 187 contracts.

### **Impact**

3.17 The intended outcome of the guidance would be an increased awareness of these forms of violence and abuse across Brighton & Hove, the creation of more safe spaces and opportunities to make a disclosure and / or seek help and support. Examples of the impact would be:

- An increase in the number of employers in the city with a policy in place to support staff/employees affected by violence and abuse
- Addressing violence and abuse issues in the development of specifications and the subsequent procurement and delivery of services.

3.18 Demonstrating a pro-active approach to these crime types is an example of innovate practice that will enable the city to respond to the UK Government's recently published 'Ending Violence against Women and Girls Strategy 2016 – 2020'. The guidance will help the city demonstrate how it is meeting the forthcoming 'National Statement of Expectations (NSE)', which will set out expectations in relation to effective local commissioning around these crime types.

3.19 The council will need to monitor the impact of the guidance on specialist services, including the extent to which victim/survivors access help and support. This can be done as part of an evaluation of this approach by working with specialist services to monitor the source of referrals and by seeking service user feedback.

3.20 The council will also need to monitor the impact of the guidance more broadly, including on commissioners, providers and the benefit to residents and local communities. Any evaluation will need to consider the extent to which the guidance has led employers in Brighton & Hove to adopt a policy to support staff/employees affected by violence and abuse, as well as changes in the development of specifications and the subsequent procurement and delivery of services.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 The implementation of the guidance would provide a positive example of the practical, proportionate actions that can be taken by the council, with its partners, to address the crime types.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 In relation to the crime types, a number of consultations have taken place, including the Domestic Violence Needs Assessment in 2011 as well as a VAWG Equality Impact Assessment in 2014. Most recently, a consultation event was undertaken with victim/survivors in March 2016 as part of a submission by the Violence against Women and Girls Forum to the Fairness Commission. The Joint Strategic Needs Assessment has also been revised with this process including a call for evidence from local partners.
- 5.2 In relation to these proposals there have been a number of targeted consultations with local commissioners, as well as with the voluntary and community sector. The local Violence against Women and Girls Forum has been consulted.

#### **6. CONCLUSION**

- 6.1 DVA, RSVA and other forms of VAWG are both a local priority and an area of increased focus from national government. The council has an opportunity to respond proactively to this agenda and to provide some local leadership to promote proportionate responses to these issues.

#### **7. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 7.1 There are no direct financial implications arising from the recommendations made in this report.

*Finance Officer Consulted: Name Michael Bentley Date: 21/09/16*

##### Legal Implications:

- 7.2 Appendix One sets out guidance on how the council can address domestic abuse and sexual violence and other violence against women and girls in contract specifications and tender documentation. The proposed guidance complies with the legal requirements of The Public Contracts Regulations 2015.

*Lawyer Consulted: Name Isabella Sidoli Date: 27/09/16*

##### Equalities Implications:

- 7.3 An Equalities Impact Assessment (EIA) has already been carried out in relation to DVA, RSVA and VAWG. Equalities implications are reviewed in the Strategic

Assessment of Crime and Disorder and the Community Safety and Crime Reduction Strategy both of which are refreshed annually.

Sustainability Implications:

- 7.4 The proposed approach has implications for sustainability including support for victim/survivors in achieving Safety, Health & Happiness: Encouraging active, sociable, meaningful lives to promote good health and wellbeing.

Crime & Disorder Implications:

- 7.5 Creating opportunities for safe disclosure and pathways to support will have a positive impact on community safety and reduce the impact of crime and disorder.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. **Appendix One.** Draft guidance - Addressing domestic abuse and sexual violence and other violence against women and girls crime types in commissioning and procurement.
2. **Appendix Two.** Background information - domestic abuse and sexual violence and other violence against women and girls crime types

### **Draft guidance for addressing domestic abuse and sexual violence and other violence against women and girls crime types in commissioning and procurement activity**

**Background:** Domestic violence and abuse, sexual violence and a range of other forms of violence against women and girls (VAWG)<sup>4</sup> have a significant impact on neighbourhoods, with far-reaching consequences for children, families, communities and society as a whole. Anyone, regardless of age, disability, gender identity, race, religion and belief, sex, sexual orientation, can be affected by these forms of violence and abuse (*see appendix two for more information*).

As a result, all areas of business (whether they are provided directly by the council, or are procured from a contractor), regardless of the service, function or client group, are likely to come into contact with victim/survivors, their families and/or perpetrators. In addition, all services will employ members of staff, or engage volunteers; some of these individuals will have current or historical experience of these crime types.

Tackling these forms of violence and abuse is a key priority for the council. In addition, because women disproportionately and cumulatively experience these crime types during their lifetime, addressing these issues helps the council meet its responsibility to remove barriers to our services and ensure they meet the needs of different users with Protected Characteristics.

**Aim:** The aim is to provide guidance on how commissioners can address domestic violence and abuse, sexual violence and other forms of VAWG in commissioning and procurement approaches so that these issues are consistently identified as priority, enabling in turn, best practice to be cascaded to services and frontline practice/service delivery.

**How does the guidance work?** This guidance, which should be considered before the start of a procurement process, recommends various approaches to address domestic violence and abuse, sexual violence and other forms of VAWG issues in tender documents and processes.

By selecting the most appropriate approach, depending on the type of service being procured, commissioners will be able to integrate specific, proportionate requirements in relation to addressing violence and abuse as a normal part of designing, specifying and delivering a service.

#### **Where can I get more information?**

If you need general information or procurement advice, contact the relevant Procurement Advisor in [procurement](#).

For specific information or advice relating to domestic violence and abuse, sexual violence and other forms of VAWG contact the [Partnership Community Safety Team](#).

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<sup>4</sup> Including Stalking, Harmful practices, including Female Genital Mutilation (FGM), so-called 'Honour' Based Violence (HBV) and Forced Marriage, as well as , sexual exploitation (including commercially through prostitution and the sex industry, and sexual harassment in the workplace and public sphere)

### Level 1 approach (all contracts)

**Aim:** To ensure that:

- Commissioners have information on whether a successful bidder has a policy to address employee / volunteer experience or perpetration of domestic violence and abuse, sexual violence or other forms of VAWG.
- The Partnership Community Safety Team, working with commissioners, are informed so that they are able to support a successful provider post award to develop a policy if they do not already have one in place.

#### Invitation to Tender

The following question will be included in the Invitation to Tender (ITT) template [\[INSERT HYPERLINK\]](#) as a 'For Information only' question:

*“Does your organisation have a policy in place to address the situation where employees / volunteers are experiencing or perpetrating domestic violence and abuse, sexual violence or other forms of Violence against Women and Girls (VAWG)?” (Yes/No)*

#### Post Award

- For contracts over £75k – If the successful bidder answered 'no' to this question, the Procurement Advisor will note the details of the successful provider onto an information sheet that will be passed to the Strategic Commissioner on a regular basis.
- For contracts under £75k – If the successful bidder answered 'no' to this question, the service's commissioner should contact the Strategic Commissioner directly to pass on the successful provider's details.
- In liaison with the service's commissioner, the Strategic Commissioner will approach successful bidders who answered 'no' to offer them support in developing a policy.

### Level 2 approach (requirements to consider using)

**Aim:** To ensure that:

- Commissioning activity addresses the needs of service users who experience or perpetrate domestic violence and abuse, sexual violence or other forms of VAWG.
- Where relevant and proportionate to do so, commissioners can include a generic requirement in the service specification to require providers to deal properly with these forms of violence and abuse when providing a service. (This may be particularly relevant to contracts in Social Care (Children & Family, Adults, Schools, Youth and Public Health) and Housing & Property (Housing Management, Housing needs, Social Inclusion, and Travellers Service)).

#### Pre procurement checklist

The Pre Procurement Checklist [[INSERT HYPERLINK](#)] will include a prompt for commissioners to consider domestic violence and abuse, sexual violence or other forms of VAWG in developing the service specification.

#### Specification

Commissioner should consider whether it would be relevant and proportionate to include a general requirement for bidders in relation to the needs of those service users who experience or perpetrate domestic violence and abuse, sexual violence or other forms of VAWG.

To enable this, the following text will be included in the Specification Template [[INSERT HYPERLINK](#)] as a prompt and commissioners may include or delete this as a requirement:

*“The Provider must ensure that the service it provides is able to deal properly with those affected by, or perpetrating, domestic violence and abuse, sexual violence or other forms of violence against women and girls (including sexual exploitation, sexual harassment, female genital mutilation, so-called ‘honour based’ violence and forced marriage). In particular, the Provider must ensure that its employees / volunteers are trained to ask services users about violence and abuse and act on any disclosure. This means that the Provider’s employees/volunteers must have as a minimum a basic understanding of the dynamics of these forms of violence and abuse, and be able to respond sensitively to a disclosure by a service user. They must be able to provide appropriate advice and support to service users including making referrals as appropriate to the police, safeguarding or specialist services so as to reduce suffering and harm to service users and their families”.*

#### Invitation to Tender, Evaluation and Monitoring and Post Award

- If commissioners include this requirement in the specification, they will need to consider how to reflect this in the Invitation to Tender (ITT) and whether to have a scored question as part of the evaluation. Commissioners must ensure that any criteria (questions) which are set are linked to the subject matter of the contract and are transparent and non-discriminatory.
- For all contracts the Strategic Commissioner and Procurement can provide support to the service’s commissioner during the development of the ITT and Evaluation Questions, as well as providing advice relating to monitoring arrangements post award.

### Level 3 approach (additional requirements to consider using)

**Aim:** To ensure that:

- Commissioning activity addresses the needs of service users who experience or perpetrate domestic violence and abuse, sexual violence or other forms of VAWG
- Where relevant and proportionate to do so, commissioners can include additional requirements in the service specification to require providers to deal with these forms of violence and abuse when providing a service. (This may be particularly relevant to contracts in Social Care (Children & Family, Adults, Schools, Youth and Public Health) and Housing & Property (Housing Management, Housing needs, Social Inclusion, and Travellers Service)).

#### Pre procurement checklist

The Pre Procurement Checklist [[INSERT HYPERLINK](#)] will include a prompt for commissioners to consider domestic violence and abuse, sexual violence or other forms of VAWG in developing the service specification.

#### Specification

- In the first instance commissioner should follow the process as set out for Level 2.
- If commissioners consider it relevant and proportionate to include additional requirements for bidders in relation to staff / employees and service users who experience or perpetrate domestic violence and abuse, sexual violence or other forms of VAWG they should consult the Social Value Framework [[INSERT HYPERLINK](#)]
- The Framework includes examples of 'Specific Outputs' which can be required of providers or services relating to these areas. These include:
  - Creating an environment that prompts opportunities for people to disclose their experience
  - Embedding integrated care pathways for referring victim/survivors, their children and perpetrators to appropriate local and national services
  - Ensuring staff and / or volunteers have access to appropriate training
  - Have initiatives to ensure that the service is able to manage staff / volunteers appropriately if they are a victim/survivor or a perpetrator

#### Invitation to Tender, Evaluation and Monitoring and Post Award

- If commissioners include this requirement in the specification, they will need to consider how to reflect this in the Invitation to Tender (ITT) and whether to have a scored question as part of the evaluation. Commissioners must ensure that any criteria (questions) which are set are linked to the subject matter of the contract and are transparent and non-discriminatory.
- For all contracts the Strategic Commissioner can provide support to the service's commissioner during the development of the ITT and Evaluation Questions, as well as providing advice relating to monitoring arrangements post award.

### Background information: domestic abuse and sexual violence and other violence against women and girls crime types

Domestic violence and abuse, sexual violence and a range of other forms of violence against women and girls (VAWG)<sup>5</sup> have a significant impact on neighbourhoods, with far-reaching consequences for children, families, communities and society as a whole.

Nationally, research shows<sup>6</sup>:

- Around 27% of women and 13% of men aged 16-59 report experiencing any domestic abuse since the age of 16.
- In 2014/15, 81 women were killed by a current or former partner: 44% of female homicide victims were killed by a partner or ex-partner, with an additional 17% killed by other family members; the respective numbers for men are 6% and 14%.
- 20% of women and 10% of men aged 16-59 report experiencing stalking (by any person, including a partner or family member) since the age of 16.
- 19% of women and 4% of men report experiencing a sexual assault since the age of 16, with young women at the greatest risk.

Domestic violence and abuse, as well as sexual violence and these other forms of VAWG, can have a range of impacts. These can include physical injury, as well as the impact on mental and emotional wellbeing, employment and education, social capital, health behaviours and homelessness.

There can also be longer term impacts such as poor school achievement, reduced economic prospects, behavioural problems, substance abuse, poor mental, sexual or physical health, and the risk of further violence. VAWG crime types also have a financial cost. For example, the individual, economic and social cost of domestic and sexual violence and abuse to the city is estimated to be at least £149 million per annum<sup>7</sup>.

**City wide Outcome:** Brighton & Hove has a VAWG Strategy as part of the city's response to these crime types, which is seeking to create a coordinated community response to ensure that services are able to work together to better support victim/survivors and their families and hold perpetrators accountable. As part of this approach, a City wide outcome for VAWG crime types has been agreed as a key priority. This is

*“Brighton and Hove residents and communities to be free from VAWG crime types, by:*

- *Increasing survivor safety;*
- *Holding perpetrators to account;*
- *Decreasing social tolerance and acceptance; and*
- *Increasing people's ability to have safe, equal, violence-free relationships.”*

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<sup>5</sup> Including Stalking, Harmful practices, including Female Genital Mutilation (FGM), so-called 'Honour Based' Violence (HBV) and Forced Marriage, as well as , sexual exploitation (including commercially through prostitution and the sex industry, and sexual harassment in the workplace and public sphere)

<sup>6</sup> Office for National Statistics. The Crime Survey for England and Wales: Focus on: Violent Crime and Sexual Offences, 2014/15. 2016

<sup>7</sup> Home Office. Ready Reckoner tool. Available at:

<http://webarchive.nationalarchives.gov.uk/20100104215220/http://crimereduction.homeoffice.gov.uk/domesticviolence/domesticviolence072.htm> Using Office for National Statistics. Mid-year population estimates 2015. 2016. Available at: <http://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates>

