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# COMMISSIONING REPORT: 2022-23



**For women and children.  
Against domestic violence.**

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## INTRODUCTION

Refuge is a registered charity and the country's largest single provider of specialist support services for women and children fleeing all forms of gender-based violence, including domestic violence, sexual violence, forced marriage, 'honour'-based violence, stalking, trafficking, exploitation and modern slavery.

The services Refuge provides are mainly funded through local authority commissioning arrangements and national government grant funding streams; these include:

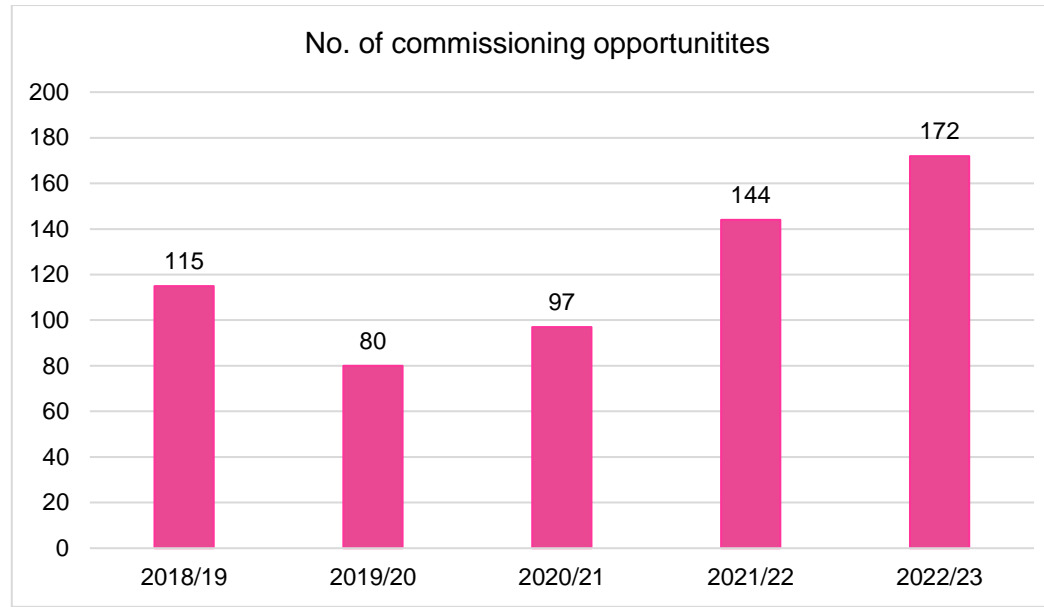
- ✓ The 24/7 Freephone National Domestic Abuse Helpline (including Live Chat)
- ✓ Refuge and safe accommodation and support for women and children fleeing domestic abuse
- ✓ Support in the community such as independent domestic and sexual violence advocacy and outreach
- ✓ Support for children and young people
- ✓ Tech Facilitated Abuse and Economic Empowerment Service

Domestic abuse services are subject to periodic commissioning and recommissioning through competitive tendering. Therefore, Refuge employs a dedicated development team whose focus is on retaining our existing service contracts and identifying new opportunities for growth. Every day Refuge's development team performs horizon scanning of the external environment for opportunities relevant to the violence against women and girls (VAWG) sector in England. Whilst we do not compete against other specialist organisations, we do this to maintain an overview of commissioning activity sector wide. All relevant opportunities are recorded and themes noted on a central pipeline document.

For the past six years we have collected and analysed pipeline data to ensure Refuge is able to respond to and influence trends in commissioning. Following on from previous reports, this report will explore the themes and trends opportunities advertised between April 2022 and March 2023. These opportunities were issued by central and local government, police and crime commissioners, grant making trusts and second tier organisations. They include refuge accommodation, independent domestic violence advocacy, independent rape and sexual violence advocacy, outreach services, and perpetrator programmes.

### 2022 - 2023 - A Growing Commitment to Domestic Abuse and VAWG

2022/2023 saw **172** opportunities published, the highest number of opportunities commissioned since Refuge began this annual analysis of commissioning in 2017/18:



It is likely that some of the commissioning over the last year is in response to the Domestic Abuse Act, 2021 (the DA Act) as we have seen a change in the types of services being commissioned, including an increase in the number of opportunities featuring support for children, and new requirements for counselling/therapeutic services.

Because the DA Act has continued to have such a noticeable impact on commissioning this year, this report includes analysis on the impact of the Act on Commissioning.

### Report structure

The report is reflective of the past year but also considers how the year's commissioning activity may be indicative of future patterns of commissioning. It begins by highlighting specific commissioning themes and trends of 2022/2023. We reflect on data collected over six years (2018 – 2023) to identify reoccurring motifs and take a more detailed look at the ongoing impact of the DA Act on the commissioning of services.

The latter section of this report provides commentary and real-life examples of concerning commissioning behaviour / strategies, concluding with a set of core recommendations that, if enacted, would ensure VAWG services are commissioned to a high and safe standard, better

enabling them to support women and children to live free from violence and fear. We end with a reflection on emerging trends in anticipation of what the future may look like.

### A note on 'specialist services'

Refuge defines specialist VAWG services as those being delivered by providers who deliver services solely to victim/survivors of gender-based violence. We do not include more general providers such as housing associations or charities who provide support to a broad range of vulnerable people. This reflects Home Office guidance laid out in The VAWG Commissioning Toolkit: 'Violence Against Women and Girls Services. Supporting Local Commissioning (Home Office, 2016), which defines a specialist service as, "A service which is specifically designed and whose primary purpose is to support someone who is, or has been affected by domestic abuse, sexual violence and/or any other form of VAWG." (Home Office, 2022)

## Trends & Themes: What is being commissioned?

We begin this report by looking back at VAWG related services commissioned April 2022 – March 2023 (2022/23). There was a total of **172** opportunities published: a combination of regular commissioning, framework applications and grants. The following section will take a closer look at the themes and trends identified and tracked over the last five years (2018 – 2023).

### Type of service

The table below provides a snapshot of number and types of VAWG services commissioned over the past five years (NB there may be more than one service requirement per contract).

| Service Requirement                        | 2018/19<br>(115<br>Opportunities) | 2019/20<br>(80<br>Opportunities) | 2020/21<br>(97<br>Opportunities) | 2021/22<br>(144<br>opportunities) | 2022/23<br>(172<br>opportunities) |
|--|-----------------------------------|----------------------------------|----------------------------------|-----------------------------------|-----------------------------------|
| <b>Accommodation (Refuge)</b>              | 25                                | 23                               | 22                               | 48                                | 48                                |
| <b>Dispersed<br/>Accommodation</b>         | 9                                 | 10                               | 4                                | 28                                | 31                                |
| <b>Counselling</b>                         | Not recorded                      | Not recorded                     | Not recorded                     | Not recorded                      | 56                                |
| <b>Support for children</b>                | 39                                | 29                               | 36                               | 85                                | 91                                |
| <b>Children's therapeutic<br/>services</b> | Not recorded                      | Not recorded                     | Not recorded                     | Not recorded                      | 46                                |
| <b>Female offenders</b>                    | Not recorded                      | Not recorded                     | Not recorded                     | Not recorded                      | 15                                |
| <b>IDVA</b>                                | 31                                | 26                               | 25                               | 29                                | 55                                |
| <b>Outreach</b>                            | 55                                | 28                               | 34                               | 32                                | 57                                |
| <b>ISVA</b>                                | 10                                | 10                               | 13                               | 11                                | 14                                |
| <b>FGM</b>                                 | 3                                 | 3                                | 4                                | 4                                 | 24                                |
| <b>Group Work</b>                          | 25                                | 14                               | 8                                | 34                                | 53                                |
| <b>Modern Slavery</b>                      | 10                                | 8                                | 2                                | 6                                 | 23                                |
| <b>Perpetrator Programme</b>               | 18                                | 10                               | 16                               | 19                                | 31                                |
| <b>Resettlement</b>                        | Not recorded                      | Not recorded                     | Not recorded                     | Not recorded                      | 18                                |
| <b>Sex Workers</b>                         | 8                                 | 4                                | 1                                | 6                                 | 8                                 |
| <b>Training</b>                            | 25                                | 16                               | 14                               | 26                                | 37                                |
| <b>Volunteers</b>                          | 18                                | 4                                | 6                                | 4                                 | 10                                |
| <b>Helpline</b>                            | Not recorded                      | Not recorded                     | 7                                | 11                                | 31                                |

|                               |              |              |              |              |    |
|-------------------------------|--------------|--------------|--------------|--------------|----|
| <b>Consultancy / Research</b> | Not recorded | Not recorded | 9            | 12           | 14 |
| <b>Digital Offer</b>          | Not recorded | Not recorded | Not recorded | Not recorded | 37 |
| <b>Tech Abuse</b>             | Not recorded | Not recorded | 4            | 2            | 11 |

In 2022/23, Refuge has seen a notable change in what is being commissioned, which is reflective of the evolving and ever-changing nature of VAWG, as well as the impact of the DA Act. There were **48** safe accommodation opportunities released in 2022/23, of which **31** included dispersed accommodation. Commissioning for dispersed accommodation increased slightly with **31** opportunities compared to 28 for the previous year. Commissioning of dispersed accommodation continues to increase, presumably as it allows greater flexibility in offering accommodation to victim/survivors of domestic abuse with varying needs and, therefore, enables local authorities to meet gaps identified in their needs assessments. For example, local needs assessments often highlight gaps in safe accommodation provision for male and LGBTQ+ victim/survivors; dispersed accommodation enables victim/survivors to be housed and supported outside of a female only refuge setting.

One of the most significant trends captured was the number of mentions of support for children within the main body of the contract. Since the DA Act 2021 now recognises children as victim/survivors in their own right, this was an expected and welcomed increase. We logged all mentions of support for children within the specification of a tender and then compared it with the number of specific provisions and services being commissioned to support children. We found that although **91** opportunities mention support for children, only **39** opportunities actually commissioned specific posts and services which would support children.

Commissioning for IDVA and outreach services almost doubled from the previous year, showing that community-based support remains a key element of DA service provision, despite the focus on safe accommodation engendered by the DA Act. Similarly, 37 opportunities mentioned some sort of training requirement within the service, 11 more than the previous year. We expect this to continue to rise in 2023/2024.

Commissioned perpetrator programmes increased significantly: in the financial year 2020/21 the Home Office committed £10 million to tackle perpetrators of domestic abuse<sup>1</sup>. From this they awarded over £7 million to Police and Crime Commissioners to support innovative approaches to preventing domestic abuse, including the expansion of projects such as the Drive Project. In 2021/2022 the Home Office provided an

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<sup>1</sup> Home Office (2022) *Tackling perpetrators*, GOV.UK. Available at: <https://www.gov.uk/government/publications/domestic-abuse-bill-2020-factsheets/tackling-perpetrators>.

additional £25 million, more than doubling the resources for tackling domestic abuse perpetrators. This helps explain the rise in commissioned perpetrator programmes for this year as the funding is allocated to various programmes across the country.

The mention of 'tech abuse' in commissioned services also increased significantly, with only two mentions in the previous year compared with **11** for 2022/23. Technology-facilitated abuse involves using online platforms and devices to control, coerce and abuse. This includes online harassment, location tracking, and sharing – or threatening to share – intimate images without consent. Refuge's specialist economic empowerment and technology-facilitated abuse team saw a 39% increase in demand between September 2022 and February 2023, compared to the same period last year<sup>2</sup>. This shows the ever-evolving nature of domestic abuse and how perpetrators use evolving ways to abuse their victim/survivors.

### Emerging Themes for 2022/23

We added five new themes to our pipeline in 2022/23, to reflect new and emerging themes in commissioning documents. These are set out in the table below:

| Service Requirement                    | 2022/23<br>(172 opportunities) |
|--|--------------------------------|
| <b>Counselling</b>                     | 56                             |
| <b>Children's therapeutic services</b> | 46                             |
| <b>Female offenders</b>                | 15                             |
| <b>Resettlement</b>                    | 18                             |
| <b>Digital Offer</b>                   | 37                             |

### Therapeutic services for adults and children

The most significant new trend was the requirement for counselling for adults and children within the main contract we noted **56** opportunities requiring counselling services for adults; whilst **46** required therapeutic services for children.

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<sup>2</sup> Refuge (2023) *Local Lifelines: The importance of domestic abuse community-based services*. Refuge.

## Digital offer

Another notable trend was the increase in the requirement to deliver a digital offer / platform in bids. **37** opportunities stated a requirement to deliver some sort of digital offer. This can include the creation and maintenance of a website, managing referrals through a website and / or creating an online live chat function. Contract funding rarely reflects the budget required for smaller specialist service providers to create a safe and accessible digital offer, therefore this requirement favours larger non-specialist providers who have the resources to create and maintain digital platforms. We will be monitoring this theme closely.

## Environmentally sustainable commissioning

The past financial year has seen local authorities reflecting their environmental commitments in tender documents. **50** opportunities (29%) outlined the need for bidders to demonstrate and evidence an environmentally friendly and sustainable approach. A significant proportion of the Social Value requirement of bids required the supplier to explain how they would deliver the contract in the most environmentally friendly manner possible. Some local authorities require even small organisations to commit to their carbon reduction plan charter.

### Case study - LA requiring the successful bidder to sign up to the Climate Commitment Charter – Council A

A local authority (Council A) in West London stated that, on award, successful bidders would be required to sign the Council's Climate Commitment Charter to support the Council in achieving its low carbon objectives. In 2019, Council A had declared a Climate Emergency and, following this, the Climate Commitment Charter was created by eight local authorities in West London. This was to tackle the serious consequences of human-induced climate change. The Charter stated that all suppliers would be expected to work towards a set of actions and outcomes for mitigating and adapting to climate change. These included:

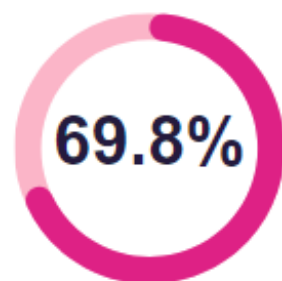
- ensuring that goods, works and services have the lowest possible whole-life carbon impacts
- measuring, monitoring and reducing their carbon footprint to work towards net zero
- providing accurate data regarding greenhouse gas emissions
- developing and implementing a carbon reduction plan that is 'aligned with climate science'

Many smaller specialist organisations do not have the resources to respond to these requirements. Charities require more statutory support to successfully implement these green initiatives.

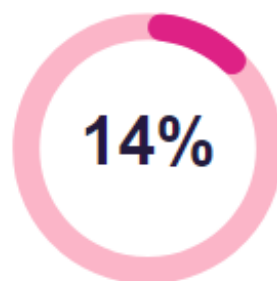
## Who is commissioning services?

| Funder                              | 2020/21 | 2021/22 | 2022/23 |
|-------------------------------------|---------|---------|---------|
| Local Authority                     | 59      | 113     | 120     |
| Police and Crime Commissioner (PCC) | 18      | 20      | 24      |
| Home Office                         | 7       | 4       | 8       |
| Ministry of Justice (MoJ)           | 1       | 1       | 4       |
| Other government department         | 2       | 2       | 6       |
| Health                              | 1       | 0       | 4       |
| Other                               | 9       | 4       | 1       |

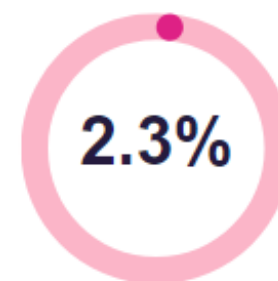
Most services are still being commissioned by Local Authorities and Police and Crime Commissioners. Funding from the MoJ increased this year with **four** opportunities being commissioned in 2022/23. Two of these were three-year grants – given that feedback about difficulties with short contracts had previously been given to the MoJ by the sector, this is heartening. Commissioning by the Health services also saw a rise, with **four** opportunities being commissioned by IRIS and the NHS.



Opportunities  
commissioned by Local  
Authorities

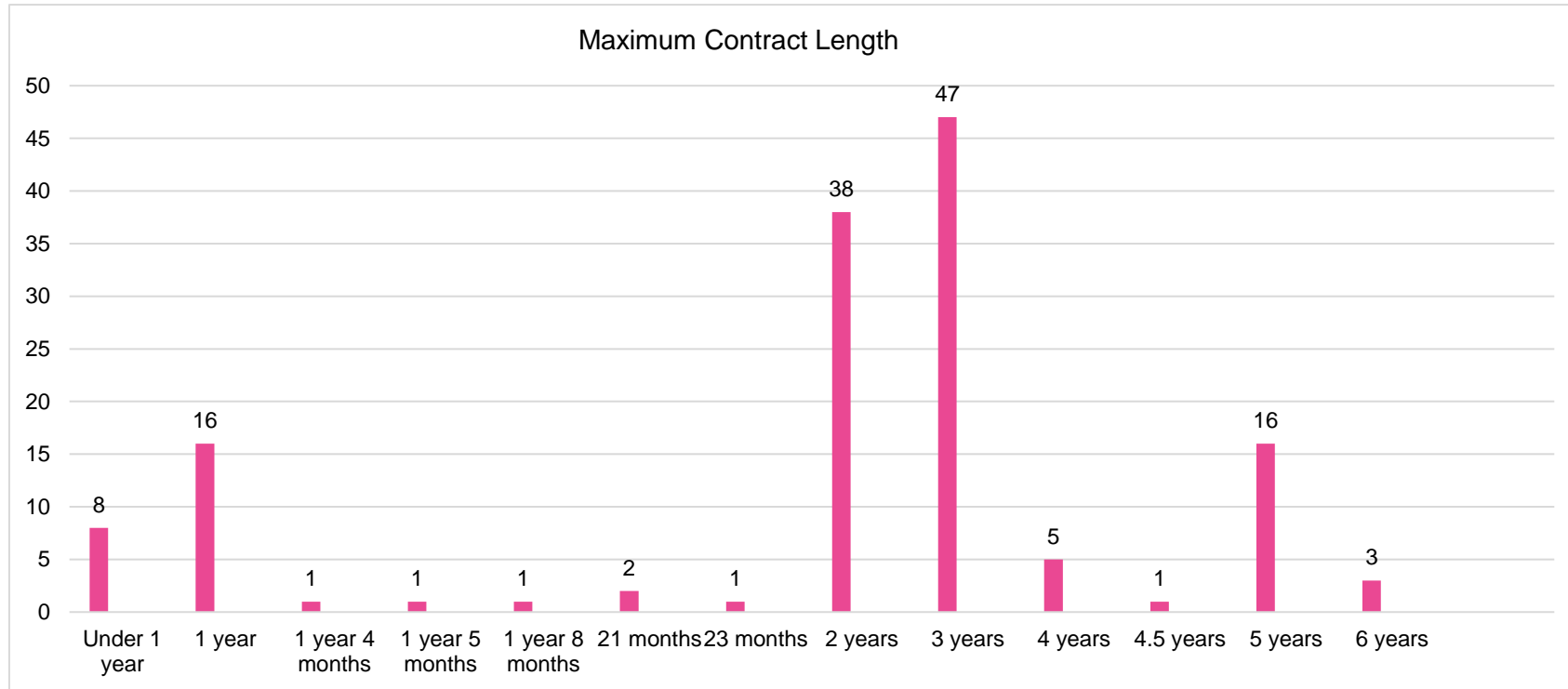


Opportunities  
commissioned by the  
PCC



Opportunities  
commissioned by the  
MoJ

## Contract length



\*\*Please note that there were 24 opportunities where the length of the contract wasn't provided due to the tenders being Prior Information Notices (PINs) or Market Engagement events (MEs).

The prevalence of short-term contracts (one year or less) in 2022/23 has decreased slightly from the previous two years, with **24** contracts in 2022/23, 33 in 2021/22 and 28 in 2020/2021. Analysis shows that the short contracts were for a variety of opportunities including two perpetrator programmes, a Domestic Abuse Needs Assessment and three safe accommodation services.

Refuge's recently published *Local Lifelines*<sup>2</sup> report found that **64%** of frontline workers surveyed said their service was impacted by short-term contracts. There are numerous challenges that we face with short term contracts, mainly being the time and resources, it takes to implement a new service. The VAWG sector is currently facing difficulty in recruitment and these challenges are amplified by having to recruit staff for short,

fixed term contracts as individuals are looking for security in their job roles. Short-term contracts also have a detrimental impact on victim/victim/survivors. Just as the service becomes embedded and known within an area – the service comes to an end, which can be unsettling and traumatic for victim/survivors who must then find alternative sources of ongoing support, during an already turbulent and challenging time in their lives.

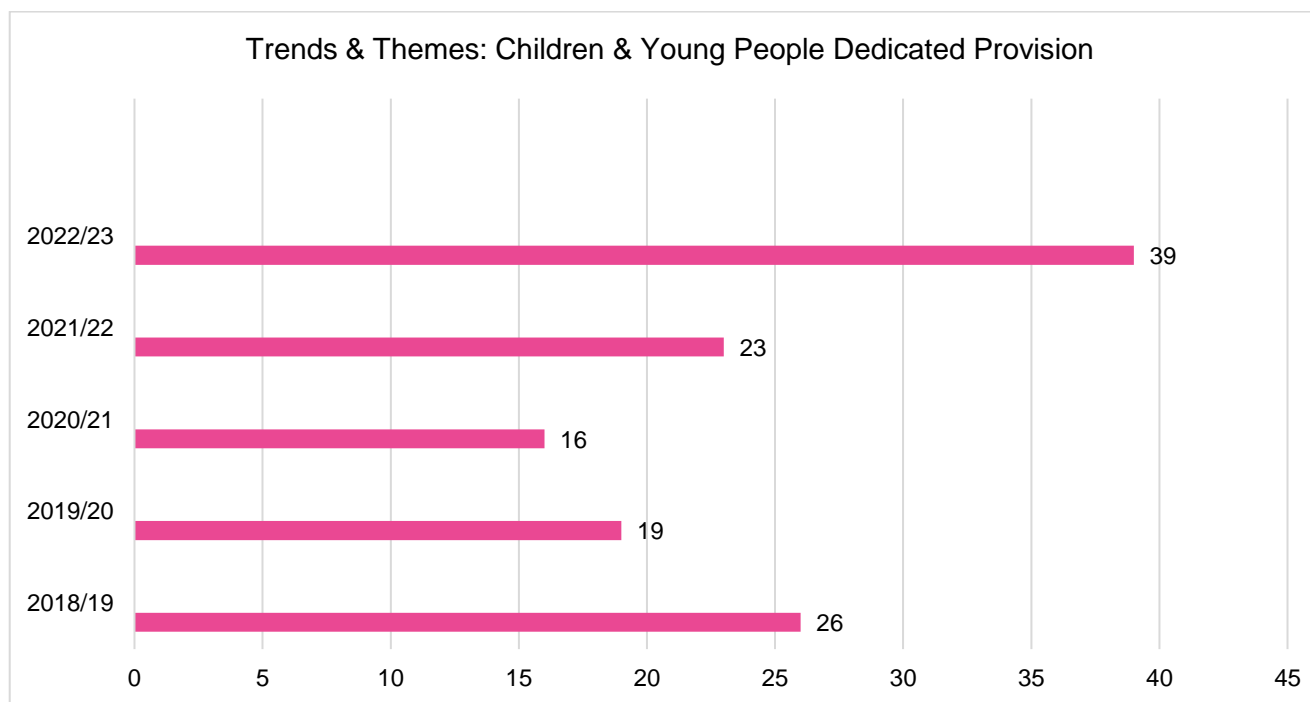
### Case Study - Short Term Funding – Council B

Council B, in the Northwest of England, released a tender in October 2022 wishing to increase its accommodation provisions following the release of the DA Act. The opportunity required the provision of an additional 30 units of accommodation, allocating 15 units to women and children, seven units to women without children, two units to men (including men with children) and six units to victim/survivors from minority ethnic communities.

The contract was for an initial one-year period, with potential to extend for a further 12 months dependent on performance. The short contract period would give no reassurance to a provider that the investment required to source and secure property would be worthwhile. Additionally, the provider would be expected to source the 30 units of accommodation as there was no available property to be utilised for this contract. This specification is likely to have meant that only a provider with existing properties in the area, such as a housing association, could bid.

There has been a slight drop in the commissioning of long-term contracts in 2022/23. This year there were **72** contracts (42%) that were commissioned for 3 years or more, compared with 77 (53%) in the previous year. Refuge would recommend a minimum contract length of **five** years.

## Children & Young People – Dedicated Provision

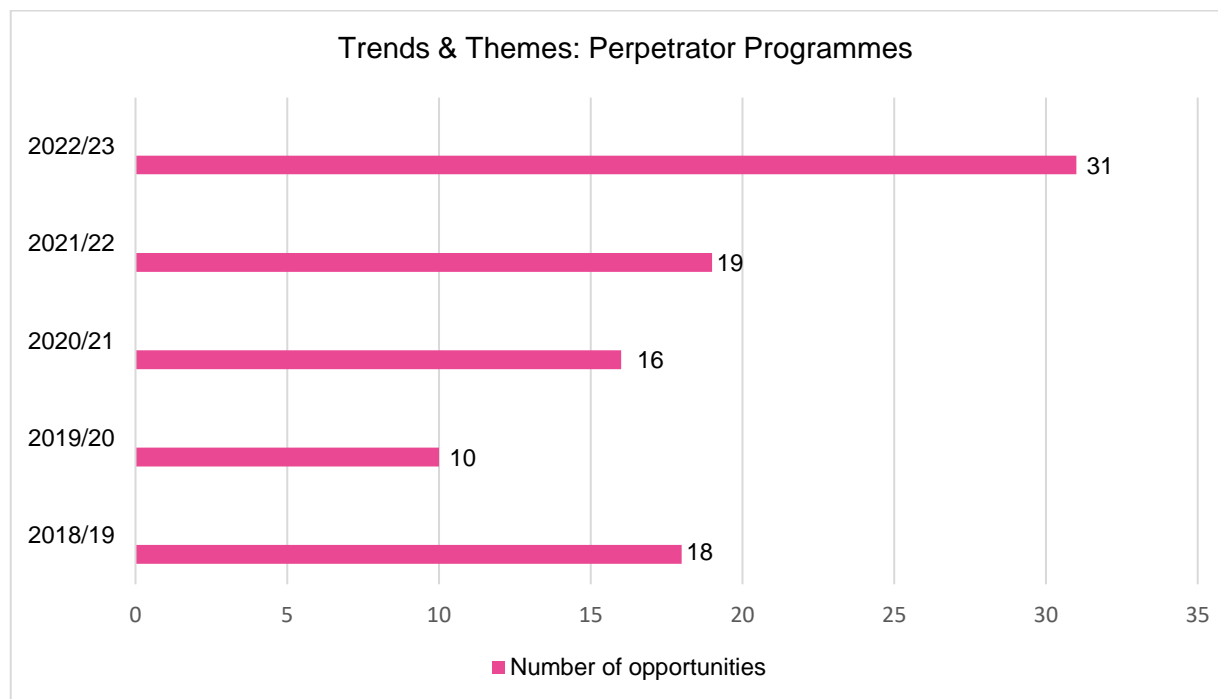


The DA Act 2021 now recognises children as victim/survivors in their own right. As predicted in last year's commissioning report, there has been a significant increase in commissioning of support for children as a result, with **39** opportunities in 2022/23, compared to 23 opportunities the previous year. Support for children can include the commissioning of a specific post, such as a Children's Support Worker, or the commissioning of a service that is solely dedicated to supporting children and young people. **10** of the 39 opportunities (26%) were contracts to exclusively support children and young people.

The 10 contracts solely for children and young people included therapeutic support for children and young people affected by domestic abuse; and research into the impact on children and young people impacted by domestic abuse. Moving forward, we will be tracking exactly what provisions are being implemented to support children and young people within domestic abuse services.

## Funding for perpetrator programmes

2022/23 saw the highest number of perpetrator programmes commissioned over the last five years. These are largely standalone services, but, as in previous years, some opportunities have featured the requirement to deliver both victim and perpetrator services:



It should be noted that in 2022/23, eight of the commissioned perpetrator programmes were commissioned alongside other services – as an integrated model. This can prove challenging to organisations who do not run perpetrator services; they are excluded from bidding unless they can find a suitable partner to collaborate with. Given that in many cases providers entering this field are specialists in other areas, such as drug and alcohol support, and are not Respect-accredited, this does not necessarily give confidence to the idea of partnership working.

## Target gender for the whole programme

The figures below show that most commissioning is aimed at all genders. ‘All genders’ encompasses women, men, trans and non-binary victim/victim/survivors. It is important for commissioners to recognise the gendered nature of domestic abuse and VAWG and many do so in their specifications whilst also outlining that their services should be available to all genders of victim/victim/survivors. For example, the Staffordshire PCC Provision of Domestic Abuse Services specification stated that, “Whilst men and women can be affected by DA, females are disproportionately the victim/survivors.”

Similarly, the West Berkshire Core Domestic Abuse tender acknowledged that women are disproportionately affected by domestic abuse but that all genders should be able to access support – “Whilst women are disproportionately impacted, the Council recognises that domestic abuse affects all genders”.

| Gender for Whole Programme                 | 2018/19      | 2019/20      | 2020/21      | 2021/22      | 2022/23 |
|--|--------------|--------------|--------------|--------------|---------|
| <b>All genders</b>                         | Not recorded | Not recorded | Not recorded | Not recorded | 103     |
| <b>Men Only</b>                            | 8            | 1            | 2            | 2            | 3       |
| <b>Women &amp; Men</b>                     | 76           | 49           | 50           | 82           | 10      |
| <b>Women Only &amp; Women and Children</b> | 29           | 20           | 29           | 34           | 21      |
| <b>Women inc. trans* women</b>             | Not recorded | Not recorded | Not recorded | Not recorded | 2       |
| <b>Children only**</b>                     | /            | /            | /            | 12           | 10      |
| <b>N/A</b>                                 | /            | /            | 16           | 14           | 22      |

\*Transgender

\*\*Those that are for children only are currently under ‘all genders’ on the pipeline.

Commissioning is more gender-specific where it pertains to refuges and other forms of safe accommodation. There were **three** opportunities commissioned for men only; these were:

- A Domestic Abuse Perpetrator Intervention programme
- A Male Domestic Abuse Support Service
- Provision of support in Refuge for men and children.



### Women with no recourse to public funds

As highlighted in last year’s commissioning report, there continues to be a lack of provision for women with no recourse to public funds (NRPF), which has been identified as one of the biggest issues frontline workers face when trying to help women stay safe and rebuild their lives. This lack of funding means that where there are services that support women with NRPF, there is extremely high demand. Victim/survivors with NRPF are at greater risk because they:

- Cannot access benefits to pay for refuge provision and for their own subsistence costs
- Remain trapped with perpetrators, due to fear of criminal prosecution and deportation
- Fear losing their right to remain<sup>3</sup>.

Those with NRPF tend to be women who are among the most marginalised members of UK society. They are unable to claim any welfare benefits and may also be victim/survivors of modern slavery. These victim/victim/survivors require specialist support over a longer period which is why funding for specialist services is essential.

<sup>3</sup> Domestic Abuse Commissioner, 2021. Safety Before Status

It is concerning that there has been a decrease in commissioning of specialist services to support women with NRPF, despite continued feedback from the VAWG sector that this needed<sup>4</sup>, as shown in the table below.

| NRPF   | 2018/19<br>(115<br>Opportunities) | 2019/20<br>(80<br>Opportunities) | 2021/21<br>(97<br>Opportunities) | 2021/22<br>(144<br>opportunities) | 2022/23<br>(172<br>opportunities) |
|--|-----------------------------------|----------------------------------|----------------------------------|-----------------------------------|-----------------------------------|
| <b>Mentioned (within the specification)</b>  | 12 (10%)                          | 12 (10%)                         | 11 (11%)                         | 33 (23%)                          | 30 (17%)                          |
| <b>Specific Requirement (including requirement for specialised worker's and/or specific service)</b> | 3 (3%)                            | 3 (2%)                           | 2 (2%)                           | 2 (1.5%)                          | 0                                 |

### Culturally specific services

For a multitude of reasons, Black and minoritised women often face additional barriers to accessing support<sup>5</sup>. For example:

- Discrimination, language barriers, or immigration status can hinder some minority women's ability to access support
- Many victim/survivors from Black, Asian, Minority Ethnic and Refugee backgrounds can face cultural and community pressures that may make it more difficult for some women to escape the abuser
- Some victim/survivors may have been trafficked into the UK or forced into marriage
- Some women may prefer to access support from women who speak their language and understand their culture/cultural background and specific needs.

In order to break down these barriers to accessing help, Refuge provides several culturally specific services including: accommodation and outreach services for south Asian women, advocacy services for Eastern European women, a Vietnamese and Chinese outreach service and a refuge for African and Caribbean women. Whilst we are contracted by a local authority to deliver the accommodation-based service for African and Caribbean women, the other culturally specific services are not commissioned and are funded through a patchwork of voluntary income which is received through our Fundraising team as well as being subsidised from Refuge's financial reserves.

<sup>4</sup> Domestic Abuse Commissioner, 2021. Safety Before Status

<sup>5</sup> E.g., IMKAAN, 2020. Reclaiming Voice

Our analysis below shows that only a relatively small number of commissioners required support for Black and minoritised women as a specific requirement; this would seem to indicate that the value of culturally specific services is not being recognised:

| <b>Support Services for Black and Minoritised Women</b>                           | <b>2018/19<br/>(115<br/>Opportunities)</b> | <b>2019/20<br/>(80<br/>Opportunities)</b> | <b>2020/21<br/>(97<br/>Opportunities)</b> | <b>2021/22<br/>(144<br/>opportunities)</b> | <b>2022/23<br/>(172<br/>opportunities)</b> |
|---|--|---|---|--|--|
| <b>Specific requirement<br/>(specialist worker's and/or<br/>specific service)</b> | 13 (11%)                                   | 9 (7%)                                    | 6 (6%)                                    | 9 (6%)                                     | 9 (5%)                                     |

## Key Findings in Commissioning Trends

- **Commissioning activity:** Most services were commissioned by Local Authorities (69.8%) and PCCs (14.0%). Most other commissioning stems from central government grants. There continues to be little activity from health services.
- **Services commissioned:** There was an overall increase in commissioning in 2022/23. IDVA, Outreach and Counselling services were the most common types of services commissioned, followed by accommodation services.
- **Perpetrator Programmes:** commissioning of perpetrator programmes has increased significantly. This trend seems set to continue. Eight of the perpetrator services commissioned between 2022-23 were commissioned as part of a wider service meaning that specialist providers who do not currently deliver perpetrator services (or do not wish to) would need to form partnerships to deliver this element of the service.
- **Target Gender:** Of the opportunities reviewed, 67.4% required provision of services to support men as victim/victim/survivors and/or perpetrators. These opportunities were either community-based services, or refuges with dispersed accommodation. The need for women-only refuge provision, as enshrined in the Part IV Safe Accommodation duty, is clearly recognised by commissioners.
- **Services for Children:** As of April 2021, children are now regarded as victim/survivors of domestic abuse in their own right, which is a welcome development. During 2022/23, 91 opportunities mentioned support for children and young people, of these 39 opportunities required specific support and/or services for children.

**NRPF:** Despite consistent feedback from the VAWG sector about the need for NRPF provision, there has been a decrease in commissioning for services that have either a requirement for a NRPF post, or a specific NRPF service. In this financial year, no opportunities were released in this category.

- **Dispersed Accommodation Units:** Dispersed accommodation requirements have increased. This is, in part, a recognition that those with large families, older teenage sons, disabilities or multiple disadvantages are not always able to access refuge accommodation. Dispersed accommodation also allows for male and LGBTQ+ victim/survivors to be housed and supported.
- **Contract Length:** The prevalence of short-term contracts (one year or less) has decreased from the previous year (24 contracts in 2022/23; 33 in 2021/22).

- **Research:** 14 opportunities were commissioned for research purposes. Large amounts of funding have been ringfenced to fund preventative research into VAWG and perpetrator programmes. The outcome of such research will likely influence future commissioning and will be closely studied by Refuge.
- **Counselling and Therapeutic Support:** 2022/23 saw the requirement for counselling for adults and children becoming a consistent feature of tenders. 56 opportunities required counselling services for adults; whilst 46 required therapeutic services for children.
- **Sustainable Commissioning:** 29% of opportunities outlined the need to address how bidders would demonstrate an environmentally friendly and sustainable approach.

## Recommendations

1. **Protect and value women only services:** Commissioners should continue to protect and value women-only services and ensure opportunities that require accommodation support for both men and women are published as separate lots, so that specialist women's service providers are not excluded from bidding.
2. **Sustainable contract terms:** Despite the welcomed increase in longer-term contracts, there is still a significant proportion of contracts that are commissioned for one year or less. Refuge recommends a minimum contract of five years to ensure that services are sustainable and can become embedded and known to victim/survivors in the area.
3. **Meet the needs of women with NRPF:** Commissioners should provide funding to ensure the needs of victim/survivors with no recourse to public funds can be met. Services for women with NRPF are in high demand and support some of the most marginalised and vulnerable women. It is important that the voices of these women are heard and considered in future duties and service specifications.
4. **Recognise the importance and need for culturally specific services:** These services are essential for women with complex and intersectional needs, however, 2022/23 saw only 5% of commissioned services were required to provide support for Black and minoritised women as a specific requirement. Refuge would encourage commissioners to fund specific services for victim/survivors with culturally specific needs so that they have access to the differing support they require.

5. **How perpetrator programmes are being commissioned:** Perpetrator programmes should be commissioned as separate lots from other domestic abuse services to ensure that specialist providers who do not deliver (or do not wish to deliver) perpetrator services are not disadvantaged.
6. **Sustainable commissioning:** Commissioners should consider that charities may not have the resources or means to commit to requirements within Climate Commitment Charters at the speed that it would be required for certain bids. Furthermore, charities require more statutory support in order to successfully deliver on climate commitments.
7. **Children's Services:** There is a major gap in services being commissioned with dedicated support for children and young people. Commissioners should review and prioritise support for children and young people in their strategies to tackle for VAWG.
8. **Ensuring contract requirements are not too onerous:** Commissioners should be realistic with their requirements for digital platforms and/or training to agencies when writing the specifications for tenders. As specialist services are already under a lot of strain, it is important that commissioners are realistic about what can be achieved within the budget that they are providing.

## The ongoing impact of the Domestic Abuse Act on Commissioning

The Domestic Abuse Act 2021 (DA Act) was passed and signed into law in April 2021. The Act places a statutory duty on tier one local authorities to provide support to victim/survivors of domestic abuse and their children within refuges / safe accommodation. Part of the framework around this duty includes the requirement for local authorities to assess need for accommodation-based domestic abuse support in their area (including for those who come from outside the area), and to develop and publish a strategy for the provision of such support to cover their locality, having regard to the needs assessment. Last year, we saw a significant increase in commissioning of Safe Accommodation due to the requirement for local authorities to spend their allocation of New Burdens funding within the financial year. In 2022/2023, the DA Act continues to influence commissioning, including through funding to increase/improve accommodation, provision for children and therapeutic services for both adults and children.

## Local Authority Responses to the Act

The DA Act was cited in the majority of tendering documents, but to different degrees. It was often unclear as to whether a local authority was simply mentioning the Act, or whether it had influenced their commissioning model.

To track patterns of commissioning, only local authority domestic abuse commissioning was considered, the influence of the Act was seen in both accommodation and community-based services.

There were 39 opportunities with a requirement for specific support for children and young people, as opposed to 23 in 2021/22, and 9 in 2020/21. They were either standalone services or part of wider domestic abuse service provision, this included accommodation based and community-based services. In this year's pipeline, we also captured all mentions of support for children as a result of the DA Act. 91 opportunities mentioned support for children, but only 39 opportunities commissioned specific posts and services for children. This indicates a gap in support for children being properly resourced.

## Prospects identified as falling within the remit of the new Part Four DA Act duties 2022-2023

To establish which opportunities to report on in relation to the DA Act, we identified which prospects fit the remit of the Act. We thought it was important to distinguish between which services were just being re-commissioned and which were new provisions which met the requirements set out in the DA Act. Those that met the remit of the DA Act were opportunities funded by tier one local authorities which contained requirements for the types of domestic abuse support services (accommodation; housing related support; therapeutic support; support for children and young people; specialist support) and needs assessments required in the Act.

The table below shows the range of opportunities commissioned that fit these criteria in 2022/2023 which were new services or additionality to services since the DA Act.

| Service type   | No. of prospects 2022-23* |
|--|---------------------------|
| Accommodation  | 9                         |
| Housing related support                                      | 1                         |
| Children and young people's support                          | 4                         |
| Therapeutic services   | 2                         |
| Specialist support – protected characteristics/complex needs | 6                         |
| DA Needs Assessment  | 1                         |
| DA Training  | 2                         |
| Research/Evaluation  | 4                         |
| Other  | 6                         |
| <b>Total number of relevant prospects</b>                    | <b>35</b>                 |
| <b>Total number of prospects</b>                             | <b>172</b>                |

\*Please note these figures will differ to the figures in other tables as these figures only relate to prospects that fit the remit of the DA Act. I.e., 48 safe accommodation opportunities were released in 2022/23 but only 9 opportunities directly relate to the Act.

Whilst nearly all opportunities released in the last year reference the DA Act, only **20.3%** of all commissioning opportunities in this year can be deemed attributable to the DA Act in some way. Whilst we cannot assume that these projects / services would not have been commissioned without the influence of the Act, the continued steady increase in the volume in 2022/2023 would suggest that the DA Act has certainly influenced commissioning. The type of services being commissioned also suggest the DA Act has influenced commissioning, with an increase in opportunities for support for children, counselling and therapeutic services and new provision that relates to the Act.

## Commissioning – best practice and learnings

In this section we will provide commentary and real-life examples of best practice and what Refuge considers is poor commissioning activity in 2022/2023. To evidence best practice and showcase what good looks like, we will share an example of strong commissioning and will provide an overview on how it best supports victim/survivors' needs. We will also highlight examples of poor commissioning practice, where inappropriate and sometimes dangerous activity is simply not meeting the needs of women and children.

By addressing and highlighting best practice alongside the challenges, we have been able to develop a core set of recommendations to ensure VAWG services are commissioned to a high and safe standard, enabling thousands of women and children to live free from violence and fear. This section covers:

- Examples of best practice
- Unsafe support models
- Favouring of catch all providers
- Premises not transferring
- Short term funding
- Insufficient funding
- Fundraising requirements
- Restrictive referral pathways
- Price VS Quality
- Payment by results
- Additional barriers faced by specialist by and for organisations

### An example of best practice to best support victim/survivors – Council C

In 2022/2023, a notable opportunity that demonstrated best practice was Council C's commissioning of their Domestic Abuse – Safe Accommodation and Support additionality. Following the passage of the DA Act into law, Council C turned to the market to start developing a considered response to the requirements of the Act. In October 2021, Council C carried out market testing with housing providers, developers, domestic abuse service providers, mental health counselling and therapy service providers, plus other organisations with insight, to gain feedback on proposals developed through the safe accommodation strategy.

These proposals included: development of a new safe accommodation floating support service, support from social landlords to secure properties for a dispersed accommodation offer and specialist domestic abuse counselling and therapy – including an offer for children.

The market engagement consisted of a questionnaire and 1:1 feedback sessions with Commissioners. Following the market engagement process, in April 2022 Council C approached Refuge, as the currently commissioned provider for their domestic abuse service (including refuge provision) with a proposal to co-develop a pilot project to test delivery of a dispersed safe accommodation resettlement and support service in the County. The proposal set out:

- Confirmation of the scope of the pilot
- Rationale behind the pilot
- Budget and contract duration – budget to increase incrementally as more properties are brought on board
- Accommodation standards
- Required outcomes

Following successful submission of a proposal response, Refuge began developing the pilot alongside Council C and has just opened its first dispersed property. Positive features of this commissioning modelling include:

- Collaborative partnership working to develop and establish a model for the pilot
- Utilising contract variation to extend the existing contract to include the dispersed units
- Increasing available budget to cover cost of support for children
- Sourcing several properties from local authority stock to reduce burden on the provider to source properties
- Monthly project board meetings between provider and local authority to work jointly on any issues arising

## Unsafe support models

In 2022/2023, Refuge identified two opportunities assessed as including unsafe support models. Both contracts were for domestic abuse accommodation and outreach services, one based in the north and one in a London borough. Features of these contracts included:

- Funding not adequately allowing for a safe service model, including no funding for prescribed elements of the service – e.g. management and MARAC coordination.
- Prescribed service model, with no variant bids accepted, leaving no room for a specialist provider to offer a safe alternative to the proposed structure.
- Commissioners recognised in their analysis that referral rates had increased significantly yet provided no scope to support this additional workload.
- Funding was reliant on external funding that was only confirmed for part of the contract.

### Case study – Unsafe support model – Council D

Council D commissioned services for accommodation and community based domestic abuse services. The specification dictated a prescribed service model, with a lone refuge worker in one refuge with 6 units and all workers holding case-loads higher than Refuge considers to be safe. There was no scope for a specialist organisation to suggest an alternative service model, nor was there any additional funding to reflect the noted increase in demand in the community-based service. The funding envelope was inadequate to deliver a safe service, with Refuge estimating it would need to subsidise the service by over £400,000 per year to be able to deliver this service safely.

Additionally, a significant proportion of the funding was reliant on external funding and was only confirmed for the first 2 years of the initial 3 year contract term. Bidders were required to accept that there could be a significant variation in the funding of the contract during this period. This provides no stability to services provided to victim/victim/survivors and creates a significant barrier to specialist organisations being able to deliver the service safely.

## Favouring of generic catch-all providers

Refuge is continuing to see a rise in procurement exercises that favour non-specialist providers and generic housing associations. For example:

### Case study – Favouring of Generic Housing Associations – Council E

In December of 2022, Council E, from the south west, explained during their market engagement (ME) event for their Domestic Abuse Service, that they would be co-commissioning the service with a non-specialist provider (alongside several other agencies). This meant giving a non-specialist organisation a significant role in shaping the service specification and suggested that specialist provision wasn't prioritised by the commissioners.

Whilst we respect the commissioners' attempt at making a collaborative commissioning effort, involving a non-specialist provider in the decision-making process and requiring the winner bidder to share their reporting data with them presents challenges for bidders. Non-specialist providers are often past competitors of specialist bidders and would likely have a biased view in the tender process. It would also be to the successful bidder's detriment for non-specialist competitors to have access to their data. As of this financial year, the tender has been retracted.

## Accommodation not transferring

In 2022/2023 Refuge assessed seven refuge service opportunities where no properties were available to the new provider. Sourcing a suitable refuge property can take significant time and resources and becomes more challenging in larger cities such as London, where property is at a premium. There is also substantial cost associated with setting up a new refuge that is rarely considered.

### Case study - Premises not transferring – Council F

Council F from the south east, released a tender for accommodation and community-based services in October 2022. The specification cited that 35 units of accommodation were required and that the existing properties would not be transferred and to discuss arrangements with the existing provider. After seeking clarification, the Council advised that they would not be able to provide contact details to facilitate the discussion with the existing provider.

This was a considerable property requirement to have in place for a 3 month implementation window, and property availability and/or more transparency of discussion would have greatly supported a new provider's ability to bid for this service. Commissioners could have made a fairer competitive process by supporting providers with the discussion around obtaining properties and liaising with the current provider.

### Short term funding

In 2022/2023 there were 24 contracts of 12 months or less. Short contracts create instability for both service providers and victim/survivors. Recruitment and retention of specialist staff is particularly challenging in these circumstances.

Additionally, as evidenced in the case study of Council A, it is unreasonable to expect that providers can source accommodation in such a short timescale.

### Insufficient funding

For over a decade, specialist VAWG services have been seriously impacted by a lack of funding. Local authorities, police and crime commissioners and others who commission services have implemented a wide range of 'efficiency savings' and continue to seek 'more for less' through competitive commissioning. Refuge like other specialist providers has subsidised services from its own reserves for many years. This is not sustainable.

Funding for VAWG services is stagnant, with contracts rolling over and no increase to the funding. In reality this means that services are being run on vastly outdated budgets. This has been further compounded by the effects of the cost-of-living crisis. Simultaneously specialist DA organisations are struggling to meet rising costs. Significant increases in utility costs and a marked rise in inflation means that many

organisations are reaching deeper into reserves or having to reduce the scope of their services to survive. Generally, statutory funding to support DA services has not increased, with requests for increases being denied as commissioners also face cuts.

Whilst Refuge can utilise its fundraising team to supplement funding to a certain degree, we believe fundraising should be used for added value rather than underpinning a basic service. Currently, the cost-of-living crisis is heavily impeding fundraising efforts, with funding desperately needed to cover increasing deficits and funders themselves re-thinking their capacity to donate.

There are very few commissioners who support full cost recovery. Commissioning models based on price evaluation immediately prioritise large-scale organisations with cheaper salaries and economies of scale. Until domestic abuse services move away from competitive commissioning this issue will never be resolved.

At the very least, contracts should provide funding for safe staff/client ratios relative to unmet demand and robust management structures, alongside the rising costs of running these services. If digital solutions are specified these should also be funded to ensure they are safe for victim/survivors to use.

Services continue to be commissioned with inadequate funding. In 2022/2023 Refuge assessed 11 opportunities as having insufficient funding to deliver the service and two with a requirement for the provider to fundraise. Nine of these opportunities were Tier One authorities, with access to new burdens funding.

### Restrictive referral pathways for refuge safe accommodation services

In 2022/2023 there were six instances where referral pathways were restricted for local people and a further three where the local authority sought to manage the referral pathways. DLUCH guidance for safe accommodation is clear that safe accommodation is a national resource and should be provided for anyone in need as part of the Part Four Duty, not just for local residents. Additionally, it is often unsafe to place victim/survivors in safe accommodation within their local area, as it is easier for perpetrators to locate them. This is effectively gatekeeping of the safe accommodation resource by the local authority.

### Case Study - Restrictive referral pathways – Council H

Council H, located in the West Midlands, released a tender for a supported accommodation-based service for victim/survivors of domestic abuse. The service would deliver 38 units of accommodation within the borough with suitable accommodation being available to transfer from the current provider. The specification stated that priority should be given to referrals from within the borough and that the supplier would be required to keep its first available void unit for cases within the borough. The service should only be made available to victim/victim/survivors outside of the borough if there are two or more units void at one time. This means that local residents would be given priority and hinders out-of-area victim/victim/survivors from accessing accommodation and support. This is contrary to the DA Act guidance as victim/victim/survivors often are not safe to stay within their local area and a cross-borough approach is crucial to ensuring victim/survivor safety.

### Price VS Quality

In 2022/2023, Refuge found **four** instances of commissioning practice where bids gave greater or equal weighting to price over quality.

- 50% price: 1 bid
- 60% price: 3 bids
- 65% price: 1 bid

By placing a greater emphasis on price over quality, commissioned providers may rely on poor practice models that are unsafe and put those accessing support at greater risk. These models are often under-staffed and generic, unable to provide tailored support to the needs of victim/survivors. To ensure suitable and sustainable services are commissioned, quality should always take precedence over price when assessing tenders.

Conversely, there were also examples of good practice where **six** opportunities scored Quality at 100%. This shows that the commissioners of these services value quality over the price of the service.

## Payment by results

In 2022/2023 there were four opportunities that operated a payment by results model, reserving the right to make proportionate reductions in payment should targets of the service are not met. The payment by results approach places hitting contract targets ahead of providing victim/survivors with safe, high-quality support. It also makes it difficult for specialist DA services to maintain SafeLives best practice caseloads, as the payment by results model depends on meeting certain referral demands which may not be safe or sustainable. It also does not factor dips in referral numbers due to unforeseen external circumstances, thereby removing funding from an organisation that may then experience a surge in demand the following quarter.

## Additional barriers – better support for specialist by and for organisations

It is important to highlight the additional barriers that smaller specialist by and for organisations face to successfully secure funding for their services. They often do not have dedicated resource to write bids and are faced with challenges that can prevent them from accessing sustained local funding, including:

- Short turnaround time for tenders
- Overly complex and time intensive bidding processes
- Requirements for a single provider
- Stringent accreditation requirements

We would encourage commissioners to recognise the value of smaller specialist organisations and remove as many barriers as possible in their commissioning process. For example, quality standards are important, but we would advise also accepting alternatives so as not to exclude smaller providers. Recognising specialist organisations' breadth of experience is often more valuable than set requirements for qualification. We appreciate that we are starting to see more funding aimed specifically at 'by and for' specialist organisations, such as the By and For strand of the Home Office's VAWG Support and Specialist Services fund that launched in September 2022.

Additionally, we would recommend the removal of competitive commissioning and the introduction of grants to increase opportunities for specialist by and for organisations.

Additionally, considering the marked increase of training, digital, social value and environmental requirements in commissioning in 2022/2023, we would encourage a balanced realistic approach that ensures equitable opportunities for specialist by and for organisations to bid.

## The ongoing impact of Social Value

Since the Social Value Act came into force in 2013, Social Value has been a requirement for consideration in all commissioning. There have always been questions over whether this requirement should apply to charitable organisations, who are already delivering vital social value through their service provision, but it was on the whole a manageable part of the bid process.

However, in recent years local authorities have placed greater emphasis on social value that is creating additional challenges for specialist charities. Most notable of these, is the use of the Social Value portal being used by commissioners, (first used in DA commissioning in 2021/2022). This year we have seen 11 opportunities using the Social Value Portal to evaluate this element of their procurement.

- 74% of bids had a Social Value score of 10% or more of the total evaluation.
- 16% of bids had a Social Value score of 20% or more of the total evaluation.
- 18% of bids used the Social Value portal.

The use of the Social Value Portal is understandably an attractive option to commissioners, as it offers the outsourcing of managing the social value element of the tender (often a complex and time-consuming part of the bidding process) and subsequent contract. However, in our experience, the use of this platform presents huge challenges to specialist organisations bidding for these services, including:

- **The additional cost:** Bidders are charged up to £7,500 per annum (a 50% increase since 2021/2022) to bid for opportunities that use the Social Value Portal. This is vital money that is being redirected from essential services to a third-party platform
- **Unnecessarily complex process:** The bidding process using the Social Value portal is unnecessarily complex, requiring submissions on a separate portal often in addition to explanations of full delivery plans for each measure
- **The additional pressure on bidders' resource:** Successful providers using the Social Value Portal are required to report separately on social value outcomes. The use of this platform in the bidding process is taking up large amounts of time from already strained pools of resource
- **The additional risk:** Successful bidders are required to enter a separate contract with the portal itself. This additional contractual obligation to a private third party is an additional and significant risk for small local providers who often do not have access to in-house legal counsel
- **Lack of contextual flexibility:** The Social Value portal lacks room for nuance to fairly assess the social value contribution of each organisation. It does not allow specialist organisations to be credited for the social value that will be delivered through their rich and

highly valuable services; only evaluating elements outside of core service provision. This requirement adds pressure to specialist organisations to divert resources to additional social value initiatives, whilst ignoring the value of their specialist service.

Ultimately, the use of the Social Value Portal favours large, resource heavy, catch all providers. The process is complex and costly and takes away resource from front-line services. This model presents huge barriers to entry for small specialist organisations particularly and makes it almost impossible for them to successfully bid in these circumstances. Charitable organisations that provide specialist services, should be recognised for the Social Value their services provide, and we encourage commissioners to consider the fairest way to assess the real social value being delivered in their local area.

## Recommendations for commissioning

- 8. Ensure adequate funding for DA Services:** DA services are struggling to meet increasing demand and only operate with the support of fundraising. To ensure women and children can access the support they need, it is essential that there are no cuts to funding and that funding rises with inflation. It is also vital that victim/survivors and victim/survivors are prioritised, and essential funding is not filtered to perpetrator programmes.
- 9. Specialist providers should have a consultative role:** Commissioners should consult with specialist providers prior to commissioning - this would increase the number of informed decisions and negate the chance of unsafe and dangerous support models being proposed / commissioned.
- 10. Make room for specialist providers' expertise:** When commissioning services, ensure that services can be modelled by specialist organisations (i.e. are not prescribed), utilising their expertise to deliver the safest service for victim/victim/survivors.
- 11. Quality should hold a higher weighting:** Quality should always take precedence over price when assessing tender responses. This will allow for a quality, effective and specialist service provision.
- 12. Protect specialist services:** Specialist services should be protected and their value recognised. Realistic funding is integral to this. Without this recognition and with continuation of budget cuts, specialist providers will be pushed out, leading to generic models of support that do not meet the needs of women.
- 13. Remove commissioning for small specialist by and for organisations.** Currently it is very challenging for small specialist organisations to receive sustained funding from commissioning exercises. Where commissioning does take place consideration should be given to fair accessibility, including adequate tender turnaround times, sufficient funding, a simple bidding process and the acceptance of consortium/ multiple provider bids.
- 14. Fundraising is for added value and innovation:** Commissioners should not be reliant on specialist services to subsidise funding for contracts through fundraising, particularly in the current financial climate. Fundraising should bring added value and innovation to services, rather than be a means to subsidise services.

- 15. Allow for realistic timescales:** Ensure realistic tender turnaround and mobilisation timescales, to allow for fair opportunity for prospective bidders. Commissioners should also allow adequate time and support to source new refuge properties when the existing properties are not transferring.
- 16. Adhere to DA Act requirements.** We have seen examples of procurement practice that directly contradicts DA Act requirements. For example, specifying that refuge spaces should prioritise local women, when the Act makes it clear that refuges are part of a national network of provision.
- 17. Give specialist organisations autonomy over referrals.** Specifying control over the referral process removes autonomy from local specialists who run the provision to ensure the utmost safety of the other clients in the care of the refuge. It also facilitates poor referral practice, where improper referrals are made to the service, moving support away from those who need it most.
- 18. Consider the fairest way to assess social value.** The increased use of the Social Value Portal is challenging for specialist organisations. Bidders should not be required to pay to participate in the Social Value Portal without adequate funding. Specialist organisations should be given the opportunity to showcase their social value in other ways.
- 19. Provide support to specialist organisations for increased requirements.** We have seen a rise in digital, training and environmental requirements in commissioning in 2022/2023. Local commissioners should provide adequate guidance, funding and time for specialist providers to be able to deliver these requirements.