



Llywodraeth Cymru  
Welsh Government

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Welsh Government  
Consultation Document

# **Violence against Women, Domestic Abuse and Sexual Violence (VAWDASV)**

**DRAFT Guidance for the commissioning of VAWDASV Services in Wales**

Date of issue: 29 March 2018

Action required: Responses by 22 June 2018

## Overview

This guidance supports the national, regional and local commissioning of evidence-based and integrated interventions by both specialist and non-specialist VAWDASV services to meet the purpose of the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 ('the Act').

The aim of this guidance is to promote high quality collaborative commissioning that delivers more consistent and effective services to prevent VAWDASV and protect and support victims of VAWDASV across Wales. This guidance applies to the commissioning of both specialist and non-specialist VAWDASV services, whether commissioned from the public, third or private sectors.

## How to respond

This is a written, electronic consultation. Questions are summarised in a questionnaire at the end of this document, Please use this questionnaire to provide your feedback. Responses can be e-mailed/posted to the contact details below.

## Further information and related documents

**Large print, Braille, other formats and alternative language versions of this document are available on request.**

The consultation documents can be accessed from the Welsh Government's website at:  
[www.gov.wales/consultations](http://www.gov.wales/consultations)

## Contact details

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## Data protection

How the views and information you give us will be used

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

Names or addresses we redact might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

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The contact details for the Information Commissioner's Office are:

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Telephone: 01625 545 745 or 0303 123 1113

Website: [www.ico.gov.uk](http://www.ico.gov.uk)

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:

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CF10 3NQ

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[Data.ProtectionOfficer@gov.wales](mailto:Data.ProtectionOfficer@gov.wales)

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# Part 1

## 1.1 Aim

The aim of this guidance is to promote high quality collaborative commissioning that delivers more consistent and effective services to prevent Violence against Women, Domestic Abuse and Sexual Violence (VAWDASV) and protect and support victims of VAWDASV across Wales. This guidance applies to the commissioning of both specialist and non-specialist VAWDASV services, whether commissioned from the public, third or private sectors.

This guidance supports the national, regional and local commissioning of evidence-based and integrated interventions by both specialist and non-specialist VAWDASV services to meet the purpose of the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 ('the Act').

The commissioned services should ensure victims and survivors – whether adults or children – receive the protection and support they need. The guidance encourages agencies to recognise that VAWDASV prevention is everyone's business and to work together to provide an effective commissioning and delivery framework that will ensure the well-being of those affected by violence and abuse, hold perpetrators accountable for their behaviour and contribute to the prevention of VAWDASV in local communities.

This document is therefore intended for use by:

- Current and future service commissioners at national, regional and local levels;
- Providers of services, statutory or non statutory, specialist and non-specialist;
- All relevant authorities as set out in the Act, together with responsible authorities as defined by the Crime and Disorder Act 1998;
- Those with an interest in providing funding for VAWDASV and related services within Wales.

## 1.2 Status

This guidance is relevant to all commissioning of services because VAWDASV issues cut across so many areas.

The guidance applies to the commissioning of VAWDASV and related services by relevant authorities under the Act. Relevant authorities are defined as local authorities, local health boards, fire and rescue authorities and NHS Trusts, and to that extent the guidance is issued under section 15 of that Act ('power to issue statutory guidance').

In order to achieve a joined-up and collaborative approach to commissioning, this guidance is also intended to assist the commissioning of any other related services by commissioners from relevant authorities, Welsh and UK Government departments and the criminal justice system working to achieve the purposes of the Act; to that extent it is issued under section 60 of the Government of Wales Act 2006.

This guidance should therefore also inform the commissioning of services and functions associated with:

- the delivery of nationally identified priority areas such as early years work, housing and homelessness, adult and child safeguarding and social care, mental and emotional health, substance misuse and anti-poverty, skills and employability programmes;
- offender management and reducing reoffending;
- the delivery of 'freedom/flexibility' pilot areas and the delivery of the EIPS grant, to promote early intervention and prevention in local communities.

The guidance should be read alongside the good practice toolkit *Tackling Violence against Women, Domestic Abuse and Sexual Violence – A Collaborative Commissioning Toolkit for Services in Wales* developed by Lloyds Bank Foundation together with Welsh Women's Aid, Imkaan, SafeLives, Women's Aid Federation England and specialist services across Wales.

This guidance does not seek to replicate the Toolkit, but instead to set out Welsh Government's requirements for the commissioning of VAWDASV services on a national, regional and local basis. There is an expectation that commissioners will take into account the Toolkit. The two documents should therefore, be read together.

[https://www.lloydsbankfoundation.org.uk/VAWDASV%20Toolkit\\_Wales\\_web.pdf](https://www.lloydsbankfoundation.org.uk/VAWDASV%20Toolkit_Wales_web.pdf)

The Lloyds Bank Foundation's Toolkit recognises that there are several potential routes for commissioning services. Commissioning bodies should ensure that they adhere to their own internal procurement policies and procedures, and any relevant legislation such as the Public Contracts Regulations 2015.

The guidance should also be read in conjunction with the Home Office Violence against Women and Girls Services - Supporting Local Commissioning Document (for England) and the England and Wales National Statement of Expectations.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/576238/VAWG\\_Commissioning\\_Toolkit.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/576238/VAWG_Commissioning_Toolkit.pdf)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/57466/5/VAWG\\_National\\_Statement\\_of\\_Expectations\\_-\\_FINAL.PDF](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/57466/5/VAWG_National_Statement_of_Expectations_-_FINAL.PDF)

The standards referred in the Lloyds Foundation Toolkit and accreditation frameworks are also referenced and endorsed by the Home Office in their “Supporting Local Commissioning” guidance, which states that “It is important to align the quality of services with the National Shared Core Standards”; ... “*Services should be commissioned based on relevant national standards for that service.*” These core standards provide guidance for commissioners to consider when undertaking joint commissioning in relation to VAWDASV. They are not compulsory for all services, but will assist commissioners in developing joint commissioning to more effectively meet people’s needs.

The Leading IPC Guide should also be read for a collaborative approach to commissioning.

[https://ipc.brookes.ac.uk/publications/pdf/Leading\\_Integrated\\_%26\\_Collaborative\\_Commissioning.pdf](https://ipc.brookes.ac.uk/publications/pdf/Leading_Integrated_%26_Collaborative_Commissioning.pdf)

### **1.3 VAWDASV**

The Commissioning Guidance will support implementation of the Act. The purpose of the Act is:

- to improve arrangements for the prevention of gender-based violence, domestic abuse and sexual violence;
- to improve arrangements for the protection of victims and survivors of such abuse and violence;
- to improve support for people affected by such abuse and violence.

Welsh Government recognises that violence against women in Wales is a violation of human rights. It is both a cause and consequence of inequality between women and men and women are disproportionately impacted by all forms of violence.

Internationally, this has been acknowledged in the Council of Europe’s Convention on preventing and combating violence against women and domestic violence; in the United Nations’ Declaration on the Elimination of Violence against Women; and most recently in the United Nations’ Sustainable Development Goals 2030.

The United Nations’ Declaration defines violence against women as:

‘all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological, or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.’

<http://www.un-documents.net/a48r104.htm>

Welsh Government supports the principles of the Istanbul Convention on preventing and combating violence against women and domestic violence, to which the UK is a signatory. This sets out minimum standards to prevent violence against women, protect victims and prosecute perpetrators.

<https://www.coe.int/en/web/istanbul-convention/about-the-convention>

## Part 2

### 2.1 Introduction

The purpose of the Act is to improve arrangements for preventing violence against women, gender-based violence, domestic abuse and sexual violence, protecting victims and survivors and providing support to people affected. Section 2 requires persons exercising relevant functions to have regard to the need to remove or minimise any factors which increase the risk of violence against women and girls and to exacerbate the impact of such violence. It is intended to provide a strategic focus on these issues and ensure consistent consideration of preventative, protective and support mechanisms in the delivery of services.

The Act seeks to bring about an improved public sector response to violence against women, gender-based violence, domestic abuse and sexual violence. The key policy aims in implementing the Act are to improve arrangements to:

- promote awareness of, and to prevent, protect and support victims of violence against women, gender-based violence, domestic abuse and sexual violence;
- strengthen the strategic leadership and accountability for violence against women, gender-based violence, domestic abuse and sexual violence; and
- improve the consistency, quality and join-up of service provision in Wales.

### 2.2 Scope

This guidance provides a framework for commissioning of services to address VAWDASV to meet needs effectively and fairly across Wales. It was developed in discussion with specialist VAWDASV and with the support of a key stakeholder task and finish group.

There is currently a wide range of contractual arrangements between commissioners and service providers in Wales, presenting a complex funding picture. Added complexity arises as a result of this funding framework, crossing devolved and non-devolved boundaries in Wales, often with differing arrangements and requirements.

There are already existing integrated and collaborative approaches between relevant authorities and other service providers. It is important to build on these where they are working, and developed formal links with reporting arrangements to regional partnerships. This will allow mechanisms to develop locally through which those who access services can be involved in the developing, commissioning and reviewing of support services.

### 2.3 Regional and collaborative approach

Welsh Government's expectation is that organisations and relevant authorities will collaborate and work towards commissioning on a regional basis from 2018-19; the intention is that regional funding from Welsh Government for VAWDASV services will facilitate this. Regional collaboration will complement the direction of travel of the Social Services and Well-being (Wales) Act 2014 and improvements to the delivery arrangements for the Supporting People programme. It will also help to embed the five ways of working (sustainable development principle) in the Well-being of Future Generations (Wales) Act 2015:

Following these ways of working will help public bodies work together better, avoid repeating past mistakes and tackle some of the long-term challenges we are facing:

**Long term** – the importance of balancing short-term needs with the need to safeguard the ability to also meet long-term needs;

**Prevention** – how acting to prevent problems occurring or getting worse may help public bodies meet their objectives;

**Involvement** – the importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the body serves;

**Integration** – a considering how the public body's well-being objectives may impact upon each of the well-being goals, on their other objectives, or on the objectives of other public bodies;

**Collaboration** – acting in collaboration with any other person (or different parts of the body itself) that could help the body to meet its well-being objectives.

### **Future Generations Framework for Service Design**

The Future Generations Framework for Service Design describes what the five ways of working mean in practice for service design, setting out a series of questions to consider.

The framework can be used by those who design and oversee provision of services to prompt thought, have structured discussions, and make decisions, about new ways of working. This will ensure services are resilient and seeking to improve the well-being of people now and in the future.

<http://gov.wales/docs/dpsp/publications/180119-future-generations-framework-service-designv2-en.pdf>

Regional collaborative VAWDASV partnerships will include all relevant authorities (as defined under section 14 of the VAWDASV Act).

Welsh Government's expectation is also that regional partnerships will invite specified bodies to participate in their activities on a voluntary basis. If they accept the invitation they do not become relevant authorities under the VAWDASV Act but become 'invited participants'. However, there should be nothing preventing these bodies participating fully in the activities of the regional partnerships. The following must be invited to participate:

- The Chief Constable of the police force for a police area, any part of which falls within the region;
- The Police and Crime Commissioner for a police area, any part of which falls within the region;
- A person required by arrangements under section 3(2) of the Offender Management Act 2007 to provide probation services to the region;

At least one body representing VAWDASV specialist services in the region and preferably more than one, drawn from regional VAWDASV specialist services provider forums, to ensure representation adequately reflects the diverse range of issues being addressed by specialist services (domestic abuse; rape and sexual violence; sexual exploitation, including through the sex industry; modern day slavery;

forced marriage; so-called 'honour based violence'; female genital mutilation; child sexual abuse; stalking; and sexual harassment).

Other members invited to participate in the regional partnership may include relevant agencies and organisations not specified above who are interested in the commissioning of VAWDASV related services.

We recognise that there may be existing structures for taking forward the VAWDASV partnerships. If utilised, it will be imperative that the commissioning of VAWDASV services is a clear part of the remit of any partnership board. The guidance does not seek to be prescriptive as to structures, but to facilitate the commissioning of effective services that meet local, regional and national need.

Regional collaborative VAWDASV partnerships will also need to ensure their activities link with, complement and do not duplicate local community safety partnership working as required by the Crime and Disorder Act 1998.

The 1998 Act sets out the duties of 'responsible authorities' in relation to tackling crime and disorder in their local areas and these authorities are collectively known as a Community Safety Partnership, or 'CSP'. Some areas however, discharge their statutory functions under their Public Services Boards (PSBs) or are working to establish regional CSPs.

These duties include conducting annual strategic assessments of crime and disorder in their local area – which should contribute to the regional and collaborative commissioning approach – and developing plans to prevent and reduce crime and disorder, anti social behaviour, behaviour adversely affecting the environment, substance misuse and re-offending.

The function of the regional commissioning partnerships will be to draw up commissioning strategies and plans to inform the commissioning of VAWDASV services in line with regional/local strategies developed under section 5 of the VAWDASV Act that ensure the prevention, protection and support required under the Act.

We expect local authorities to work with neighbouring local authorities and across LHB areas to assess local need and provision, focussing on service delivery. They should aim to achieve value for money and flexibility of funded services to meet local need, delivering a better service for victims as well as focusing on prevention and perpetrator services.

Local authorities, LHBs and NHS trusts will have the autonomy to align as they see best to provide increased consistency and effective multi-agency collaboration for VAWDASV services at a local, regional and national level. However, the Act requires that a local authority and LHB whose areas overlap to prepare a joint local VAWDASV strategy. Local strategies can be prepared jointly with other local authorities, as long as the relevant LHB is also still involved.

The aims of moving to a regional approach are to:

- improve effectiveness in service design, procurement and contracting;

- improve population outcomes across the region, and reduce the proportion of service users who experience negative outcomes from services;
- provide common streamlined commissioning arrangements that ensure integrated pathways of support to meet the needs of victims experiencing multiple disadvantages;
- achieve common approaches that encourage better use of data and analysis and promote more effective strategic decision making, resulting in more service users receiving appropriate and effective services;
- reduce duplication of commissioning activities;
- develop a more sustainable model of funding that achieves better value for money and boosts investment in service provision through pooling budgets, including relevant authority core budgets;
- afford service providers with greater certainty to enable enhanced flexibility and innovation in responding to service user needs;
- ensure child and adult victims of VAWDASV receive services that fulfil their rights for protection and support;
- focus funding to support direct service delivery rather than general co-ordination: this should become core business for local authorities as part of the forthcoming duty to deliver local strategies on VAWDASV;
- extend the reach of some services, and reduce duplication of others;
- promote effective working relationships, trust and good communication between organisations;
- strengthen accountability and co-operation of local and regional partnerships through joint prioritisation, in particular in relation to the development of local strategies; and
- enhance governance and improved strategic leadership through regional commissioning partnerships.

## 2.4 Commissioning

Commissioning is usually described as a cycle of how best to meet strategic objectives and service level objectives by identifying need, scoping the market of providers, drawing in expertise, designing a service, deciding how to resource the service, identifying the provider and monitoring the service delivery.

As well as making decisions about what services are needed and their design, it is also important to consider methods of improving, delivering and funding public services.

Regional commissioners should use a robust approach to assessing the needs of their local area and identifying services that create better value and outcomes for service users, the public and the environment. Local authorities and other public bodies may offer grants to third sector organisations and enter into contracts for the provision of goods and services. The National Audit Office decision support tool distinguishes three ‘funding channels’ – **procurement** (i.e. contracts), **grant**, and **grant-in-aid** – and sets out a four-stage process for making decisions about which funding channel to use. Decisions on appropriate funding methods need to take account of a number of factors, including legislative frameworks, policies and policy objectives, and principles such as value for money. It is also important to ensure

equity of access to funding streams, particularly for small third sector specialist VAWDA service providers.

Value Wales Procurement Route Planner provides detailed guidance for public bodies when commissioning and procuring services:

<http://prp.wales.gov.uk/>

The Lloyds Bank Foundation Toolkit has useful information on different procurement and commissioning models in section 5.2., including the new 'light touch regime' which means contracts under approximately £560,000 (Euros 750), do not need to go through a competitive tendering process and commissioners can be creative in their approaches, including using grant funding.

Prevention of VAWDASV is central to improving health and well-being, reducing crime and the harm caused by violent crime; safeguarding children and adults; promoting education and learning and promoting equality. We need cross-cutting and integrated approach to ending all forms of VAWDASV, from strategic leadership to frontline professionals which mainstreams and prioritises the issue, making it everyone's business.

Co-production with statutory partners, the Third Sector and survivors will be essential in producing an evidence-based and effective commissioning strategy with buy-in from all partners. This means meaningful involvement of all relevant stakeholders from the outset in the design and delivery of services. Please refer to page 23 for more information on co-production.

## **2.5 Survivor Engagement**

It is imperative that regional commissioners engage with survivors who have experienced all forms of VAWDASV when commissioning services for VAWDASV and that specialist services are resourced to support survivor engagement. The National Strategy was informed by the views of survivors and commissioners will find the survivors ten key recommendations contained in the strategy with further recommendations for different agencies available in the full report:

[http://www.welshwomensaid.org.uk/wp-content/uploads/2016/03/Are\\_you\\_listening\\_and\\_am\\_I\\_being\\_heard\\_FINAL\\_July\\_2016.pdf](http://www.welshwomensaid.org.uk/wp-content/uploads/2016/03/Are_you_listening_and_am_I_being_heard_FINAL_July_2016.pdf)

Welsh Government is developing with survivors a National Survivor Engagement Framework:

- to provide a formal working practice through which survivors develop, impact and influence Welsh Government policy on VAWDASV;
- to ensure that survivors are able to advocate and speak for themselves as part of Welsh Government communication activity.

### **Equality and Human Rights**

It is important to consider the specific needs, issues and barriers that may be experienced by people with protected characteristics under the Equality Act 2010, and who may be marginalised or excluded, including women, BME people, children

and young people, older people, migrants, refugees and asylum seekers, disabled people and those who are LGBT+. As well as meeting the requirements of the Equality Act 2010, it is important to uphold people's human rights and meet the requirements of the Human Rights Act 2000.

## **2.6 Third Sector**

Third sector organisations must be clearly engaged throughout the commissioning process to contribute constructively to the design, delivery and review of programmes and focus their contribution on the needs of service users. It is particularly important to include specialist organisations that provide VAWDASV services.

Section 74 of the Government of Wales Act 2006 requires Welsh Ministers to make a scheme that sets out how they propose to promote the interests of the third sector and how Welsh Ministers propose to provide assistance to relevant voluntary organisations. This is called the Third Sector Scheme (referred to as the 'voluntary sector scheme in the 2006 Act). Please refer to Section 6.5

[https://www.wcva.org.uk/media/818409/final\\_third\\_sector\\_scheme\\_2014.pdf](https://www.wcva.org.uk/media/818409/final_third_sector_scheme_2014.pdf)

## **2.7 VAWDASV Specialist Services**

Support for people experiencing VAWDASV may come from a range of services, not just those delivered by VAWDASV specialist services. These could be community or third sector organisations providing welfare support, legal advice, financial, immigration and/or housing advice as well as interventions to support survivors and challenge perpetrators being provided across statutory provision like local authorities (housing, children and family services, education services), health services (primary care, mental health, maternity, dental services, urgent treatment services) and justice system services (police, offender management, courts, legal advisors).

VAWDASV specialist services are distinguished from generic services that provide support or interventions for survivors or perpetrators in the third and/or public sector. These services are provided by specialised staff with in-depth knowledge of VAWDASV and have a gendered and intersectional understanding of VAWDASV. In Wales, VAWDASV specialist services are defined in Wales as organisations whose:

- services are delivered independently from the state (i.e. third sector) and whose core business it is to support survivors and/or perpetrators and/or children and young people impacted by any form of VAWDASV (i.e. rape and sexual assault including child sexual abuse, non-recent child sexual abuse, domestic abuse, sexual harassment, forced marriage, FGM, sexual exploitation including through the sex industry, trafficking and modern day slavery and so-called 'honour' based violence); and
- delivery is needs-led and gender-responsive, recognising the continuum of violence against women and ensuring interventions and prevention work connects VAWDASV to wider patterns of sex and other intersectional inequalities, including ethnicity, class, gender identity, age, ability, sexuality, religion and belief; and understanding

and service delivery is informed by analysis of VAWDASV being gendered and a cause and consequence of inequality between women and men, which intersects with factors such as ethnicity, age, class, sexuality and disability to impact on experiences of abuse and routes to recovery. VAWDASV specialist services recognise that these forms of violence are entirely preventable, they happen to women and girls disproportionately because they are women and girls as a means of social control, which maintains and reproduces unequal power relations and presents an obstacle to achieving equality and human rights for women and girls; and

- specialist services differ from 'general support' services in that the organisations/ services have a gender and culturally responsive and holistic service delivery model, in accordance with the UK quality standards frameworks for such services, and are run by and for the communities they serve. In doing so they offer a uniquely empowering experience particularly to women and children and to BME communities, as the client group is reflected in staffing, management and governance structures of these organisations.

This distinction between specialist and generic services is supported by the *Convention on Preventing and Combating Violence Against Women and Domestic Violence* (The Istanbul Convention) and distinguishes specialist services from generic services on the grounds that they are underpinned by a gendered understanding; they are rights-based and safety-focused; they avoid repeat victimisation; they can provide, where possible, a range of services on the same premises; their approaches are integrated, recognising the relationships between victims/survivors, perpetrators and their environment; and they address the specific needs of women, children and young people who are victims and survivors (Council of Europe, 2012).

VAWDASV specialist services operate within a framework of accredited quality service standards which provide benchmarks for service providers, funders and commissioners about the extent and mix of services that should be available, who should provide them, and the principles and practice base from which they should operate.

These standards and accreditation frameworks are also referenced and endorsed by the Home Office in their 'Supporting Local Commissioning' guidance, which states that "It is important to align the quality of services with the National Shared Core Standards"; ... "Services should be commissioned based on relevant national standards for that service. Examples of minimum practices and policy requirements in a specification should relate specifically to the National Shared Core Standards". The guidance also clarifies their status: "The shared standards support commissioners to ensure the independent standards can be used both nationally and locally for joint commissioning purposes. They are not intended to 'stand alone' but have been agreed as designated shared core standards, namely the minimum standards common to all member organisations"

Many specialist services will be provided by small third sector organisations and Welsh Government recognises there is a risk within regional commissioning approaches - particularly ones that integrate more generic service provision (e.g.

supported housing) and specialist VAWDASV service provision - that such providers can be significantly disadvantaged in large scale procurement exercises and ultimately lost. It is therefore important that commissioners seek to safeguard and enhance the strengths and expertise of small community-based specialist service providers when considering procurement approaches across their region.

<sup>1</sup> Refer to pages 68-74 of Wales commissioning Toolkit for the shared core standards across accrediting bodies. [https://www.lloydsbankfoundation.org.uk/VAWDASV%20Toolkit Wales web.pdf](https://www.lloydsbankfoundation.org.uk/VAWDASV%20Toolkit%20Wales%20web.pdf)

## **2.8 Perpetrator Services**

Perpetrator services should not be commissioned in isolation and should be considered as part of a whole system approach, alongside survivor and other related services. This is a highly specialised area and the need to maintain objectivity, and appropriate confidentiality boundaries may mean that perpetrator services will be delivered by separate organisations (or at least parts of an organisation) to those delivering survivor services.

To supplement the Respect Standard for domestic abuse perpetrator interventions (individual and group programmes), Welsh Government is developing standards for specialist VAWDASV perpetrator services which provide programmes (group based or individual) for those who have committed VAWSDASV offences; acknowledging that there is currently not a single set of standards that fits all of the intervention services provided to address the full range of VAWDASV offences and associated perpetrators. The link to these standards will be added to the guidance once published.

## **2.9 Principles for Commissioning**

The core principles for commissioning VAWDASV provision are:

- An understanding of VAWDASV as gendered and both a cause and consequence of women's inequality. It should recognise the human right to live free from abuse and violence as the underlining principle to commission prevention, protection and support services;
- A commitment to provide all survivors, including children and young people, equal access to holistic, appropriately resourced, high quality, needs-led, strengths-based, gender responsive services across Wales;
- A commitment to engage with and be informed by survivors, including children and young people, to inform needs analysis, service design and whole system responses;
- An understanding of the expertise of the specialist VAWDASV sector to inform needs analysis, service design and whole system responses;
- A commitment to children's rights and recognition of the specific needs of children and young people experiencing or witnessing VAWDASV. Similarly recognition of the rights of children and young people in preventing VAWDASV happening to or affecting them in the future;
- A commitment to collaborative and equal partnership across agencies to ensure the effective investment in responses to VAWDASV and enable integrated pathways of support that promote prevention and earlier intervention;

- Commissioning should be based on the principle that no survivor is turned away from accessing critical support services delivered by refuges, rape support centres, FGM and forced marriage units or other key services and interventions. This support should be based on survivors' individual needs and requirements, when they need to receive it, and reasonably close to where they live. This should include better access to integrated pathways of support to meet the needs of survivors experiencing multiple disadvantages;
- Commissioning should not be done in silos – it is also about mainstream provision and links with health, education, probation, police etc.;
- Where good services are already being delivered, in accordance with recognised standards, commissioners should consider how best to facilitate service-continuity for the survivors accessing them, considering the resource implications of tendering so that a proportionate approach is taken to commissioning;
- Commissioning needs to recognise and value the experience, knowledge and understanding of specialist services staff, and facilitate their involvement through an agreed partnership delivery plan for service development, including specialist services they do not fund. This should include the routine use of co-production in assessing needs, mapping resources, service design and review;
- Commissioning should ensure that essential services and the costs of management and overheads should be met through a full cost recovery model, especially because many charitable funders rarely cover management costs and overheads.

In addition to local specialist VAWDASV services, there will be other commissioning functions, such as substance misuse, housing, mental health, perpetrator work and children and young people, where good practice will be available. This will provide opportunities to share data appropriately, and look for ways to introduce joint commissioning across different thematic needs to provide integrated services.

## **2.10 Commissioning through procurement and grant funding**

### **Procurement**

Commissioning may involve funding through grant funding or procurement. The Wales Procurement Policy Statement (WPPS) defines procurement as:

*“The process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organisation, but also to society and the economy, whilst minimising damage to the environment”.*<sup>1</sup>

As the definition suggests, procurement can cover a range of activities undertaken with and for people in need of VAWDASV services, for example, tendering and awarding a contract or service level agreement with a provider to deliver a certain service and monitoring the success of that service. They need to be undertaken within the context of an overall commissioning framework, if they are to contribute to the achievement of efficient and effective services which meet the needs of the population for whom the relevant authority has responsibility.

The glossary of terms at appendix 1 provides further definitions in relation to related tasks such as purchasing, contracting and allied contract arrangements.

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<sup>1</sup> Sustainable Procurement Task Force (2006)

## **Ensuring that Procurement Activities are undertaken in line with Best Practice**

Welsh Government published the Wales Procurement Policy Statement which sets out the procurement best practices and the specific actions that are now required of every public sector organisation in Wales. Regional commissioners should make every effort to ensure that they are compliant and fully adopt the guidance that can be accessed through the web-based Procurement Route Planner, at:

<http://prp.wales.gov.uk/>

Complying with this guidance will help ensure adherence to EU Procurement Directives (which were transposed into UK law as the Public Contracts Regulations 2015). This suite of guidance will assist in procurement decisions on a quality/cost/risk basis whilst allowing consideration of the longer term impact. Whilst the Procurement Route Planner does not have dedicated social care procurement advice, the relevant principles are woven into the general advice throughout the site.

Joint bidding can take many different forms and, crucially, allows companies to pool their resources to increase their collective capacity or coverage in order to compete for contracts that may otherwise have been out of reach. With the right planning by both buyers and suppliers, consortia can be well-placed to deliver innovative solutions and responsive services.

In order to support this, and in conjunction with the Wales Cooperative Centre and Wales Council for Voluntary Action, Welsh Government has produced detailed guidance on joint bidding which can be found at the following link:

<http://gov.wales/topics/improvingservices/better/vfm/publications/jointbidding/?lang=en>

### **Grant funding**

Grant funding is an important funding mechanism alongside procurement options. Commissioners should bear in mind that smaller and/or more specialised organisations may be delivering excellent services but may not have the infrastructure to equip them to enter a competitive tendering arena for large contracts.

Please refer to the Lloyds Foundation Toolkit under section 5.2. 'Considering Different Procurement and Commissioning Models' and section 6.4. 'Ensuring Fairness and Market Diversity'.

## Part 3

### 3.1 Purpose and Strategic Aims of Region

Developing a common regional perspective provides the foundations for an effective commissioning strategy. The regional commissioning partnership will need to define and explain what must be included in the regional commissioning strategy, define the boundaries of the population covered by VAWDASV services and specify which partner agencies are involved in developing and agreeing the strategy.

### 3.2 Membership, Roles and Values of Region

The various roles and responsibilities of the agencies and individuals within the region will need to be identified. This should include relevant authorities outlined under the Act (local authorities, Local Health Boards, NHS Trusts and Fire and Rescue Authorities).

Other agencies which may not have a statutory responsibility for commissioning of VAWDASV services have a different but pivotal role, to help commissioners make the best commissioning decisions for their community.

Regional commissioners should recognise the importance of working with all stakeholders during the commissioning process, such as police, PCCs, education services, housing providers, HMPPS, the Third Sector, specialist VAWDASV services, survivors, service users, victims and other non-devolved crime and justice agencies.

Third sector organisations should be clearly engaged throughout the commissioning process to contribute constructively to the design, delivery and review of programmes and focus their contribution on the needs of service users.

Third sector organisations will need to be clear about whom they represent and be accountable for representing their views, taking into consideration the needs of those with protected characteristics as referenced in legislation outlined in Annex 1, early intervention services and provision for perpetrators.

It is imperative that specialist service providers are utilised to engage survivors whose direct experience of using services can provide a unique insight to inform and shape service development.

Involvement is an important part of the Sustainable Development Principle of the Well-being of Future Generations Act 2015 which requires public bodies to ensure that, when making their decisions, they take into account the impact they could have on people living in Wales now and in the future.

There is no single form of involvement and therefore regional commissioners should work towards breaking down the barriers between people who deliver services and people who use services.

### 3.3 Governance

To ensure the intended outcomes for stakeholders are defined and achieved, good governance arrangements need to be in place. These will vary depending on the particular circumstances of each region.

A clear governance system of decision-making ensures that bodies with legal accountability for their decisions are able to retain that accountability. The governance systems therefore need to identify the expectations of the various roles and responsibilities related to the strategic commissioning process. Individual organisations' accountability should be respected, and terms and conditions attached to funding clearly defined. It will need to set out the individuals, groups and partnerships that manage, deliver, support and are responsible for the various activities, tasks and stages of strategic commissioning of VAWDASV services.

The following should be taken into consideration:

- **Formal Documentation** such as Memorandum of Understanding (MoU) or Collaboration Agreement. Regional commissioners are advised to draft a formal document which sets out the governance arrangements and describes its operating procedures, key aims and roles of each of the organisations within a defined region collaborating on commissioning strategies. Whilst a MoU or Collaboration agreement will not be legally binding, all members of the regional commissioning partnership, its subgroups and their participating organisations will be expected to adopt these arrangements. As a minimum the region should review and update the agreement annually.
- **Financial management arrangements** – Each region will recommend one local authority to act as the accountable body “the banker” with overall financial and legal responsibilities.

The accountable body will receive the allocation of VAWDASV grant and then administer it in accordance with the agreement made. The nominated accountable body will ensure it has the necessary legal power to hold and administer the VAWDASV grant and that there are appropriate budget, accounting and audit management systems in place.

The accountable body must adhere to all terms and conditions of funding and have regard to any guidance issued by Welsh Government in respect of its role in holding and administering the VAWDASV grant.

Where the regional accountable body is not part of a local authority body, a service level agreement which describes the roles and responsibilities of each organisation in relation to the management of the VAWDASV grant and the subsequent award and monitoring of contracts should be agreed. Welsh Government will also need to be satisfied that the arrangements are lawful and there are appropriate governance arrangements in place to safeguard funding.

- **Status of the Regional Partnership/Area Planning Boards** – regional commissioning partnerships should ensure co-operation and effective links with other cross-cutting governance and service planning and commissioning

arrangements, including regional safeguarding boards, regional partnership boards, area planning boards (substance misuse) and regional collaborative committees (Supporting People Programme).

- **Sub Groups** – the formal agreement should include a section on governance arrangements for sub groups which link and report to the regional commissioning partnership. Where full membership of the region presented not required, for example for performance, finance or contract management issues, it may be appropriate for sub groups to lead on these areas of work.
- **Conflict of interest** – There needs to be a clear demarcation of responsibilities to ensure there is appropriate membership at the relevant discussions. Discussions around commissioning, performance and financial management, therefore should be structured so as to ensure that no actual or perceived conflict of interest occurs.

All member representatives should notify the chairperson of a potential conflict of interest. Dependent on the type of the interest the member representative should be asked to leave the room for specific agenda items.

- **Accountability Arrangements of the Region** – The members of the regional commissioning partnership will need to have arrangements in place to ensure they meet the requirements of the relevant legislation, particularly the VAWDASV Act, the Crime and Disorder Act 1998, the Well-being of Future Generations Act 2015 and the Social Services and Well-being Act 2014.

Of particular importance is the statutory requirement under the Crime and Disorder Act 1998 for local authorities, local health boards, police forces, fire and rescue services and probation services to work together to prevent and reduce crime and disorder and reduce reoffending.

- **Dealing with disputes** – Regional commissioning partnerships will need to consider how they will resolve any disputes between individual organisations that are part of the partnership or between the partnership and the individual organisations.
- **Risk Management** – Regional commissioning partnerships will need to agree a shared approach to risk management and due diligence
- **The Wales Accord on the Sharing of Personal Information (WASPI)** – is a key element of Welsh Government-led Sharing Personal Information Project which aims to make sure public services, as well as appropriate third and private sector service providers, share personal information about individuals legally, safely and with confidence. The framework facilitates this by establishing agreed requirements and mechanisms for the exchange of personal information between service providers. All Welsh Local Authorities, Health Boards/Trusts, Police Forces, Fire and Rescue Services, a large number of charities and voluntary sector organisations have signed up to the Accord. Other organisations, such as schools, GP practices, Housing Associations and some private sector organisations have also signed the Accord. The regional commissioners need to take into account the WASPI framework for service-providing organisations directly concerned with the health, education, safety, and social well being of people in Wales.

# Part 4

## The Commissioning Cycle

### 4.1 Outcome Based Commissioning Approach

Welsh Government expects commissioning to be based on the Outcome-Based Commissioning Approach. This approach shifts the focus from activities to outcomes, from how a programme operates to the good it accomplishes.

“We all recognise that the future requires us to work differently, but more importantly it requires us to work together, within the sector and with our partners to deliver high quality, responsive and integrated public services alongside those who need them.”<sup>2</sup> It is important that when regional commissioners develop their outcome-based commissioning strategies that these underpin the six objectives outlined in the National Strategy for VAWDASV.

When developing an outcome-based commissioning strategy, it is important that service users, providers and commissioners develop a shared understanding of the outcomes they want to achieve.

Outcomes should reflect how they contribute to meeting the goals in the Well-being of Future Generations (Wales) Act 2015, reference the national well-being indicators and conform to the Sustainable Development Principle, known as the ‘Five Ways of Working’. Welsh Government and the Future Generations Commissioner have co-produced a framework to help those working in public services to apply the Well-being of Future Generations Act ways of working to service design:

<http://gov.wales/topics/improvingervices/future-generations-framework-for-service-design/?lang=en&askdfjkajdf>

In addition, once the VAWDASV National Indicators are developed and published, it is expected that regional commissioners will reflect these in their local/regional strategies and measurement of outcomes.

### 4.2 Service User Involvement

Welsh Government is committed to ensuring service user involvement in the planning, design and delivery of VAWDASV services. Regional commissioning partnerships are expected to ensure there are a variety of mechanisms in place to effectively engage and involve service users within their work.

The precise mechanisms will be a decision for each region but may be through direct representation on the regional partnership or via reporting structures with established local service user groups.

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<sup>2</sup> Mark Drakeford, Welsh Government

### **4.3 Considerations for the Commissioning Cycle**

The Lloyds Foundation Toolkit describes the four stages of the Commissioning Cycle and outlines the approaches to take in each phase. This section describes further considerations regional commissioning partnerships should take into account throughout the cycle.

### **4.4 Using Data**

Data from a wide range of sources, including existing communities-based assessments such as the local well-being assessments, health & social care well-being assessments, community safety strategic assessments and front line services, should inform the needs analysis. This will avoid any unnecessary duplication by ensuring existing data is used where it is available.

Regional commissioners may find, as a result of conducting the analysis, that they do not have all the available information to inform effective outcome based commissioning. A part of the region's commissioning process may therefore need to focus on data development for example by asking specialist service providers to capture more meaningful information to inform better commissioning decisions.

### **4.5 Gap Analysis**

The information obtained from needs assessment, mapping current provision and spend will need to be pulled together to identify gaps in current service provision and used as the basis for developing strategic objectives and the regional commissioning strategy.

In conducting a robust gap analysis each region should consider the following:

- Are there any gaps in particular types of services?
- Is there an absence of services within a particular community?
- Are some services weak or of poor quality?
- Are some services in inappropriate locations or inaccessible?
- Is there an over-provision or duplication of particular services?
- Is there an over-provision or duplication of services within particular communities?
- Is the funding for particular services sustainable?

Having identified the gaps in service provision a risk assessment will need to be carried out to gauge the impact these gaps in services have on achieving the overarching outcomes and strategic aims of the region.

### **4.6 Welsh Language requirements**

The Welsh language is an integral part of Wales' identity and the Welsh Government is committed to creating a truly bilingual Wales, where people can live their lives through English, Welsh or both languages. The Welsh Language Standards (No. 1) Regulations 2015 were made under the Welsh Language (Wales) Measure 2011 and place duties on the Welsh Government, local authorities and National Park authorities. These set out responsibilities for providing bilingual services and policy development and ensuring the Welsh language is not treated any less favourably than the English language.

<http://gov.wales/about/welshlanguagestandards/?lang=en>

Commissioning bodies must ensure that service provision through the medium of Welsh is embedded into the procurement process by clearly specifying which services are required in Welsh (or bilingually), in line with the Welsh Language Standards that apply to it as an organisation. The Welsh Language Standards that apply may differ from organisation to organisation.

Commissioning bodies may be required to run a tender exercise bilingually if it meets certain conditions set out by the Welsh Language Standards.

More information on the Standards can be found at the Welsh Language Commissioner's website:

<http://www.comisiynyddygyymraeg.cymru/English/Language%20duties/Pages/What-are-standards.aspx>

#### **4.7 Producing the Commissioning Strategy**

Regional commissioners must consult with all stakeholders on the draft strategy and obtain formal agreement of the members of the Regional commissioning partnership before seeking formal agreement from Welsh Government via Welsh Government's agreed internal governance process. Endorsement of the responsible authorities will be required under the Legislation in Part 2 through their decision-making structures, together with formal agreement of agencies committing resources to the strategy through their budget processes.

Once these steps have been completed and existing providers have been informed of future commissioning intentions, the document can be published.

#### **4.8 Third Sector and Community Organisations**

The Welsh Government's 'Third Sector Scheme' sets out the Welsh Government's policy framework for working with the Third Sector in Wales and its approach to funding, including commissioning, grants and procurement. Welsh Government expects commissioners to take account of this guidance when working with the Third Sector, in particular that early discussion is held with Third Sector organisations with evidence included of their engagement with the commissioning process where appropriate.

Commissioning arrangements must ensure that smaller Third Sector organisations across Wales are not disadvantaged by the tendering process and expectations being applied. Adherence to the principles outlined in the Wales Procurement Policy, highlighted in section 2.4 and appendix two will avoid this. Commissioning arrangements should also make provision for those with protected characteristics and complex needs.

When commissioning services from Third Sector organisations, regional commissioners should allow legitimate requests for funding organisational costs and overheads in addition to the direct service delivery costs,; except when separate core funding is provided to the Third Sector organisation to meet these costs.

Welsh Government commits to levels of funding based on and reflecting the principles of Full Cost Recovery when developing grant programmes. Please refer to the Third Sector Code of Practice

[https://www.wcva.org.uk/media/818409/final\\_third\\_sector\\_scheme\\_2014.pdf](https://www.wcva.org.uk/media/818409/final_third_sector_scheme_2014.pdf)

## 4.9 Managing Service Balance

It is important for regional commissioners to influence the market on a day-to-day basis in ways that meet the needs of their service user groups and help achieve the aims of the commissioning strategy. One way of clarifying how this will be achieved is to complete a statement informed by the strategy that identifies how the following areas will be addressed:

- **The mix of providers** to meet the range of needs identified in the needs assessment, and that services are viable and sustainable in the long term.
- **Degree of competition** - to ensure value for money.
- **Degree of choice** - ideally, service users should have a choice of services in which best meets their needs.
- **Incentives for providers** - to enter the market or to offer new services.
- **Joint commissioning** - across a region and / or more than one Region.

Regional commissioners could consider the following activities:

- **Re-configuring existing services** – the extent to which existing providers have the capacity or desire to revise their services, and whether required changes could be successfully implemented.
- **Investing further in existing services** – ensuring that additional benefits are likely to be gained from further investment.
- **Decommissioning services** – particularly where an existing service is not meeting the needs of the population, and appears unlikely to be able to do so. Careful consideration should be given to agreeing the objectives of decommissioning with all the relevant decision makers and developing exit strategies that minimise the impact on existing service users.
- **Commissioning new services** – for example, identifying other VAWDASV providers not already working in the area, and what opportunities there might be to do so or incentivising existing local providers to develop new services.

## 4.10 Outcomes Focussed Commissioning for Services

Commissioning outcomes requires very different specifications as regional commissioners will be measuring the result of the work rather than the activities. Focusing on the 'end', rather than the 'means', will help service providers to consider their impact and to define success more broadly. This is a change of culture which is not without challenge but should enhance the quality of services by focusing on the difference that services make to their users.

The commissioning plan must specify the outcomes and which services / projects they feel are best placed to meet these needs. Regional commissioners should develop or review a service specification for each of the services identified in the commissioning strategy, taking into account the outcomes they wish to obtain from the service delivery. Each of these agreed service specifications will need to:

- reflect identified needs;

- take into account issues of accessibility, language, race, age and gender and other protected characteristics and complex needs;
- meet commissioning strategy objectives;
- include a standardised range of output and outcome measures
- define outcomes
- reflect nationally accepted best practice and/or added value;
- specify locally agreed principles and values;
- specify national standards/ related targets;
- comply with local or national service standards and guidance; and
- specify expectations in relation to staffing levels, training, qualification and experience.

All proposed service arrangements need to be clear and agreed by all regional commissioners.

Once agreed an appropriate transition period also needs to be built in to ensure any impact on services is minimised.

More information on the Community Benefits approach can be found at the Procurement Route Planner website:

<http://prp.gov.wales/docs/prp/toolkit/140815communitybenefitreportenglishwebupdated.pdf>

The Sustainable Risk Assessment template is available from the Procurement Route Planner at the following link:

<http://prp.gov.wales/docs/prp/toolkit/170106sraservicesv5.1june2016.xls>

#### **4.11 Principles of Co-Production**

Co-production exploits the time skills, experience and expertise of service users, their families and networks. It is underpinned by six principles:

1. Recognising people as assets: seeing people as equal partners in the design and delivery of services.
2. Building on people's existing capabilities: rather than starting with people's needs, co-produced services start with people's capabilities and look for opportunities to help these flourish.
3. Fostering mutual and reciprocal relationships: co-production is about mutual and reciprocal partnerships, where professionals and people who use services come together in an interdependent relationship recognising that all have a valuable role in producing effective services and improving outcomes.
4. Strengthening peer support networks: engaging peer and personal networks alongside professionals is the best way of transferring knowledge and supporting change.
5. Breaking down barriers: changing the distinction between professionals and recipients, and between producers and consumers of services, by reconfiguring the way services are developed and delivered.
6. Facilitating rather than delivering: enabling professionals to become facilitators and catalysts of change rather than providers of services.

The following table shows how co-production can change the commissioning approach at each of the three **main** phases of commissioning:

<b>Commissioning Phase</b>	<b>Traditional Approach</b>	<b>Co-produced Approach</b>
Analyse Phase	A process driven “needs assessment” focusing on national and local datasets	Asset mapping to determine informal provision, assets and resources. Focus groups with service providers to find out what is working well and what is not. Informal and semi-structured interviews with service users and survivors of VAWDASV. Appreciative workshops with service users and survivors of VAWDASV to get a rich picture of their needs and wants. Significant engagement work with service users and survivors of VAWDASV.
Planning Phase	Outcomes/outputs are agreed and prioritised by commissioners.  The contract is put out to tender and a workshop on the tendering portal is given.  Communication between the commissioners and providers stops until the contract is awarded.	An outcomes framework is developed with service users and survivors of VAWDASV and providers – showing clearly the outcomes that all services will be expected to meet. Providers are given support throughout the tendering process through capacity building workshops and/or drop-in sessions. People who are expected to benefit from the service are involved in interviewing and selecting providers.
Doing Phase	Key performance indicators are set by commissioners.  Service specifications are negotiated and agreed by commissioners and providers.	Key performance indicators are set by commissioners. Service specifications are negotiated and agreed by commissioners and providers.
Reviewing Phase	Providers are monitored through a standardised contract management framework, which involves inputting data on outputs into a spreadsheet for commissioners to analyse.  Providers are occasionally visited by commissioners on site for performance reviews.	Providers are evaluated against the outcomes framework and report back to commissioners on a range of subjective and objective indicators. People who use the service play a key role in reviewing the performance of providers.

#### **4.12 Monitoring and Evaluation**

Formal evaluation mechanisms must be specified and built into design and delivery of services from the outset. Service providers need to be clear about what information to provide to inform both ongoing monitoring and evaluation. This, in turn, will feed into and inform future service development, design and commissioning and the Strategy itself.

#### **4.13 Performance Evaluation**

Contract or grant arrangements must be underpinned by robust performance measures and management. This will enable monitoring and evaluation to determine whether services and activities:

- are appropriate and well aligned to meet the needs of populations;
- continue to meet national and local priorities;
- represent good quality and good value for money;
- present a significant risk of failure; and
- are performing against the agreed specification.

Evaluation should include feedback from service providers, service users, stakeholders and the wider public to judge the effectiveness of services.

Regional commissioners must measure impact to find out whether service users are better off following the commissioning cycle.

Activity, cost and performance data should be gathered through the life of a contract as part of the commissioning and procurement model. This information should contribute to the work undertaken by regional commissioners.

#### **4.14 Review of the Market**

A review of the market needs to be undertaken to ascertain:

- whether and how the market has developed and changed over time, what the potential impact is to inform future commissioning decisions;
- the current capability and capacity of service providers;
- if any interim grant funding has achieved the objective of developing the market; and
- the duration of all service delivery arrangements, whether contractual or grant based, to allow flexibility to adapt to changing market dynamics.

If an interim grant has achieved its objective of stimulating a new supply market it will be time to move from grant funding to competitive procurement. These changes must be properly explained to existing providers and to the market place with sufficient time built in to allow a proper planned change of arrangements.

#### **4.15 Horizon scanning**

Regional commissioning partnerships should remain alert to:

- emerging government policy and legislation changes and the potential impact on current service delivery;
- changes in EU policy or direction and the impact of Brexit; and
- what other regions and partner agencies are doing, best practice changes and potential impact;
- changes to the funding landscape.

# Annex 1

## Legislation, Policies and Strategies

When developing the regional commissioning strategy regional commissioners need to take into account the following. Some of the legislation cited imposes duties directly on relevant authorities or other public bodies.

### **Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (VAWDASV Act)**

The provisions of the Act are intended to ensure a focus across the public sector on the prevention of these issues, the protection of victims and the support for those affected by such issues.

The Act gives Welsh Ministers the powers to issue guidance to relevant authorities on how the authorities should exercise their functions including their role in commissioning of provision to meet all aspects of the Acts purpose to prevent VAWDASV and to protect and support survivors of VAWDASV.

<http://www.legislation.gov.uk/anaw/2015/3/contents/enacted>

### **Well-being of Future Generations (Wales) Act**

The Well-being of Future Generations (Wales) Act aims to improve the social, economic, environmental and cultural well-being of Wales.

The Well-being Act requires each local authority area in Wales to establish Public Services Boards (section 29 of the Well-being Act).

The members of each board are—

- (a) the local authority;
- (b) the Local Health Board for an area any part of which falls within the local authority area;
- (c) the Welsh fire and rescue authority for an area any part of which falls within the local authority area;
- (d) the Natural Resources Body for Wales.

<http://gov.wales/topics/people-and-communities/people/future-generations-act/?lang=en>

### **Rights of Children and Young Persons (Wales) Measure 2011**

<http://www.legislation.gov.uk/mwa/2011/2/contents>

### **Housing (Wales) Act 2014**

<http://www.legislation.gov.uk/anaw/2014/7/contents/enacted>

### **Renting Homes (Wales) Act 2016**

<http://gov.wales/topics/housing-and-regeneration/legislation/rentingbill/?lang=en>

### **Crime and Disorder Act 1998**

The Crime and Disorder Act 1998 sets out the duties of responsible authorities in relation to tackling crime and disorder in their areas. Section 5 of the 1998 Act defines the 'responsible authorities' in each Welsh local government area as:

- the council for the area;

- every chief officer of the police any part of whose police area lies within the area;
- every fire and rescue authority any part of whose area so lies;
- every local health board any part of whose area so lies; and every provider of probation services operating within the area.

The responsible authorities for a local government area are collectively known as a Community Safety Partnership, or 'CSP'. Some areas however, discharge their statutory functions under their Public Services Boards (PSBs).

<http://www.legislation.gov.uk/ukpga/1998/37/contents>

### **Sexual Offences Act**

<http://www.legislation.gov.uk/ukpga/2003/42/contents>

### **Serious Crimes Act 2015**

<http://www.legislation.gov.uk/ukpga/2015/9/contents/enacted>

### **Female Genital Mutilation Act 2003 (FGM Act)**

Under the Female Genital Mutilation Act 2003, which was amended by sections 70-75 of the Serious Crime Act 2015

It is an offence for any person (regardless of their nationality or residence status) to:

- perform FGM in England and Wales (section 1 of the act)
- assist a girl to carry out FGM on herself in England and Wales (section 2 of the act)
- assist (from England or Wales) a non-UK person to carry out FGM outside the UK on a UK national or UK resident (section 3 of the act)

[http://www.legislation.gov.uk/ukpga/2003/31/pdfs/ukpga\\_20030031\\_en.pdf](http://www.legislation.gov.uk/ukpga/2003/31/pdfs/ukpga_20030031_en.pdf)

### **Domestic Violence Crime and Victims (Amendments) Act 2012**

This places a responsibility on relevant authorities to conduct Domestic Homicide Reviews.

It places duties on local authorities and to those staff in Social Services departments who deal with children, carers, vulnerable adults and wider domestic violence issues.

<https://www.gov.uk/government/publications/domestic-violence-crime-and-victims-amendment-act-2012>

### **Forced Marriage (civil Protection) Act 2017**

This Act to makes provision for protecting individuals against being forced to enter into marriage without their free and full consent and for protecting individuals who have been forced to enter into marriage without such consent; and for connected purposes.

<http://www.legislation.gov.uk/ukpga/2007/20/contents>

### **Modern Slavery Act 2015**

<http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>

### **Police Reform and Social Responsibility Act 2011**

<http://www.legislation.gov.uk/ukpga/2011/13/contents/enacted>

## **Equality Act 2010**

The Equality Act 2010 and related regulations impose duties on the Welsh Government and relevant Welsh authorities. The duties include the requirement to publish equality objectives and the steps taken in order to achieve and monitor progress against each objective. The Welsh Government Equality Objectives, laid out in the Strategic Equality Plan underpin Welsh Government's work. They aim to ensure public services and employment are fair, accessible, responsive to people's needs, and that communities are inclusive. Those with protected characteristics should not be treated less favourably

[https://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga\\_20100015\\_en.pdf](https://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf)

## **The Human Rights Act 1998**

The Human Rights Act 1998 sets out the fundamental rights and freedoms that everyone in the UK is entitled to.

<http://www.legislation.gov.uk/ukpga/1998/42/contents>

## **Health and Safety Act 1974**

<http://www.hse.gov.uk/legislation/hswa.htm>

## **EU Directive on Victim's rights**

[http://ec.europa.eu/justice/criminal/victims/index\\_en.htm](http://ec.europa.eu/justice/criminal/victims/index_en.htm)

## **EU Directive on Procurement**

<https://www.gov.uk/guidance/transposing-eu-procurement-directives>

## **UN CEDAW**

The Convention on the Elimination of all Forms of Discrimination against Women<sup>3</sup> (CEDAW) is the international human rights treaty that focuses specifically on equality between women and men in all areas of life. It is often referred to as the 'women's bill of rights'. The UK ratified CEDAW in 1986, and committed to undertake a series of measures to end discrimination against women in all forms, including:

- incorporating the principle of equality of men and women in their legal system, abolishing all discriminatory laws and adopting appropriate ones prohibiting discrimination against women;
- establishing tribunals and other public institutions to ensure the effective protection of women against discrimination; and
- ensuring elimination of all acts of discrimination against women by persons, organisations or enterprises.

<https://www.gov.uk/government/publications/convention-on-the-elimination-of-all-forms-of-discrimination-against-women-cedaw-articles>

## **UNCRC**

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<sup>3</sup> <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>

Since 2004 Welsh Government has used the United Nations Convention on the Rights of the Child (UNCRC) as the basis of its work for children and young people. There are a number of other strategies and frameworks which are relevant to this area of provision and which regional commissioning partnerships should consider.

[https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC\\_PRESS200910web.pdf](https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_PRESS200910web.pdf)

### **Taking Wales Forward**

<http://gov.wales/docs/strategies/160920-taking-wales-forward-en.pdf>

### **Prosperity for All: the National Strategy**

This strategy takes the key commitments outlined in the Programme for Government, places them in a long-term context, and sets out how they fit with the work of the wider Welsh public service to lay the foundations for achieving prosperity for all.

<http://gov.wales/docs/strategies/170919-prosperity-for-all-en.pdf>

### **Violence against Women, Domestic Abuse and Sexual Violence - VAWDASV National Strategy**

<http://gov.wales/docs/dsjlq/publications/commsafety/161104-national-strategy-en.pdf>

### **Welsh language**

<http://www.legislation.gov.uk/ukpga/1993/38/contents#>  
<http://www.legislation.gov.uk/mwa/2011/1/contents/enacted>

### **Ending Violence against Women and Girls Strategy 2016-2020**

The UK Government 'Ending Violence against Women and Girls Strategy 2016-2020' builds on a number of initiatives undertaken by the UK Government including the introduction of a new offence of controlling or coercive behaviour, the Modern Slavery Act, Domestic Violence Protection Orders under the Crime and Security Act 2010, the Domestic Violence Disclosure Scheme (DVDS), FGM Protection Orders under the Female Genital Mutilation Act 2003 and an FGM mandatory reporting duty inserted into the 2003 Act by the Serious Crime Act 2015, and strengthening measures to manage people who commit sexual offences or those who pose a risk of sexual harm.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/522166/VAWG\\_Strategy\\_FINAL\\_PUBLICATION\\_MASTER\\_vRB.PDF](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522166/VAWG_Strategy_FINAL_PUBLICATION_MASTER_vRB.PDF)

### **Domestic Violence and Abuse Bill**

The UK Government has announced its intentions to introduce a draft Domestic Violence and Abuse Bill. It will:

- establish a Domestic Violence and Abuse Commissioner;
- define of domestic abuse and bring in consolidated protection orders;
- allow aggravated sentences where abusive behaviour involves a child;
- protect victims of domestic violence and abuse;

- create a consolidated new domestic abuse civil prevention and protection order regime; and
- abusive behaviour involves a child, the enable courts to hand down sentences for abusive behaviour that involved children that reflects the devastating life-long impact of that abuse.

### **Sex Industry, Exploitation and Trafficking**

The priority in this context is public protection; people involved in prostitution can be particularly vulnerable to sexual and other violent crime and may in fact be victims of child sexual exploitation or modern slavery.

# Glossary

**Abuse** (as defined by the Act): Physical, sexual, psychological, emotional or financial abuse

**Collaboration:** The term “collaboration” refers to a co-ordinated interagency response via a formal structure, or fora, where the primary focus is to safeguard the victim, reduce secondary victimisation and hold perpetrators to account.

The fora should:

- (a) adopt consistent, joint policies and procedures, including an agreed risk assessment and risk management and safety plan, which co-ordinates and standardises the professional interventions to all those at risk and which reduces the risk of harm;
- (b) share information to increase the safety, health and well-being of victims/survivors - adults and their children;
- (c) work together to reduce repeat victimisation;
- (d) improve agency accountability;
- (e) improve support, including training, for all staff involved in domestic abuse cases; and
- (f) determine whether the alleged perpetrator poses a significant risk to any particular individual or to the general community.

**Domestic abuse** (as defined by the Act): Abuse where the victim of it is or has been associated with the abuser. A person is associated with another person for the purpose of the definition of “domestic abuse” if they fall within the definition in section 21(2) or (3) of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.

**Female Genital Mutilation:** an act that is an offence under sections 1, 2 or 3 of the Female Genital Mutilation Act 2003 (c. 31)

**Gender-based Violence** (as defined by the Act):

- (a) violence, threats of violence or harassment arising directly or indirectly from values, beliefs or customs relating to gender or sexual orientation;
- (b) female genital mutilation;
- (c) forcing a person (whether by physical force or coercion by threats or other psychological means) to enter into a religious or civil ceremony of marriage (whether or not legally binding);

**Harassment:** A course of conduct by a person which he or she knows or ought to know amounts to harassment of the other; and for the purpose of this definition:

- (a) a person ought to know that his or her conduct amounts to or involves harassment if a reasonable person in possession of the same information would think the course of conduct amounted to or involved harassment of another person; and
- (b) “conduct” includes speech.

**Independent Domestic Violence Adviser (IDVA):** Trained specialist worker who provides short to medium-term casework support for high risk victims of domestic abuse

**Local Authority** (as defined in the Act): A county council or county borough council

**MARAC:** Multi-Agency Risk Assessment Conference

**Public Service:** Public services are services delivered for the benefit of the public. This can include services delivered through the third sector, through social enterprise or through services that are contracted out.

**Relevant authorities:** county councils and county borough councils, Local Health Boards, fire and rescue authorities and NHS trusts.

**Sexual exploitation** (as defined by the Act): something that is done to or in respect of a person which

(a) involves the commission of an offence under Part 1 of the Sexual Offences Act 2003 (c. 42), as it has an effect in England and Wales,

or

(b) would involve the commission of such an offence if it were done in England and Wales;

**Sexual Violence** (as defined by the Act): sexual exploitation, sexual harassment, or threats of violence of a sexual nature.

**The Act:** The Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.

# Consultation Response Form

Your name:

Organisation (if applicable):

email / telephone number:

Your address:

## DRAFT Guidance for the commissioning of VAWDASV Services in Wales

**Question 1** - Does the draft guidance offer commissioners the opportunity to improve arrangements for:

- a. the prevention of VAWDASV;
- b. protection of victims of VAWDASV; and
- c. support for victims of VAWDASV?

**Question 2** - Does the draft guidance make it clear what the Welsh Government will expect to happen at each stage of the commissioning process?

**Question 3** - Does the draft guidance make clear that commissioned services must be based on regional needs?

**Question 4** - Does the draft guidance make clear that all stakeholders must be engaged in designing and commissioning services, including service users, survivors, third sector and VAWDASV specialist services?

**Question 5** - The draft guidance should be read alongside the:

- Home Office Violence against Women and Girls Services - Supporting Local Commissioning Document (for England) and the England and Wales National Statement of Expectations,
- Lloyds Bank Foundation's Toolkit, and
- Leading IPC Guide

Is it clear that the additional documents must be considered and is this helpful and practical?

**Question 6** - Are there any other barriers to commissioning effective VAWDASV services that are not addressed by the draft guidance, and what would need to be included to address them?

**Question 7** - Are the Timeframes for commissioning services in line with the guidance feasible (from April 2019)?

**Question 8** - Are there any issues relating to impact on the Welsh language, equalities or children's rights in relation to this draft guidance that you wish to highlight?

**Question 9** - We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: