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Consultation – summary of response

**Guidance for the commissioning of violence against women,
domestic abuse and sexual violence services in Wales**

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Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Guidance for the commissioning of violence against women, domestic abuse and sexual violence services in Wales

Consultation – summary of responses

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A summary of responses to the ‘Guidance for the Commissioning of Violence Against Women, Domestic Abuse and Sexual Violence Services In Wales’

1. Introduction

- 1.1 The National Strategy for Violence Against Women, Domestic Abuse and Sexual Violence: 2016-2021 contains six objectives, one of which is to provide victims with equal access to holistic, appropriately resourced, high quality, needs-led, strengths-based, gender responsive services across Wales. To meet this objective the Welsh Government made a commitment in the Strategy to publish statutory guidance for relevant authorities on the commissioning of violence against women, domestic abuse and sexual violence services. This would build on the good practice guide “Tackling Violence against Women, Domestic Abuse and Sexual Violence – A Collaborative Commissioning Toolkit for Services in Wales”
- 1.2 The Sustainable Funding Task and Finish Group, made up of representatives of service providers, survivor organisations, and statutory bodies, assisted with the development of the guidance. In carrying out this work, the Group took as its model the Collaborative Commissioning Toolkit for Wales, funded by Lloyds Foundation and framed this within the policy of encouraging organisations to work collaboratively across regions.
- 1.3 A consultation on the ‘Draft Guidance for the Commissioning of Violence against Women, Domestic Abuse and Sexual Violence (VAWDASV) Services in Wales’ was undertaken by Welsh Government. This ran between 29 March 2018 and 22 June 2018. The guidance supports the national, regional and local commissioning of evidence-based and integrated interventions by both specialist and non-specialist Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) services to meet the purpose of the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (‘the Act’).
- 1.4 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.
- 1.5 In addition to the written consultation, officials met Regional Boards across Wales to hear their views on the guidance for the commissioning of VAWDASV Services in Wales and incorporate their ideas and feedback into the final version.

2. The consultation process

- 2.1. The consultation was launched online and promoted through sector representatives, umbrella bodies and Welsh Government communications

activity. Respondents were invited to respond to questions on line using the online questionnaire, or else to submit written responses by email.

2.2. There were 11 responses to the online questionnaire and 18 emailed responses. The list of respondents can be found at section 7.

2.3. Welsh Government officials and the National Advisors also met representatives of the seven VAWDASV Regional Boards to gather feedback.

3. Emerging Themes

3.1. A number of key themes emerged from the consultation, both in face-to-face meetings and in on-line responses.

3.2. Prescription / Direction versus Flexibility: Many of the responses called for language that was more directive, greater emphasis on mandatory requirements and more prescription. Some wanted regional or national monitoring with clarity about what sanctions would be brought to bear in the event of non-compliance. Conversely, there were a smaller number of responses that welcomed a more flexible approach, wanted greater acknowledgement of differences in the needs of different localities and regions, and did not want to lose good practice that had already been built up.

3.3. Practical guidance on implementation and ideas for innovation: Some responses called for more guidance about how to implement the practicalities of the guidance, with clear examples of good practice. Regional commissioning was seen as an opportunity to innovate and some respondents wanted guidance from Welsh Government on how to do this.

3.4. Governance and funding structures: A number of responses referred to the complexities of governance and funding structures across regions, across grant regimes and across different organisations. This came out particularly strongly in the regional meetings and is exacerbated by the mix of statutory and non-statutory organisations, and devolved and non-devolved areas of responsibility.

3.5. Differentiation of service users (domestic violence / sexual violence / male victims /BME service users / children / LGBT+): While the needs-led approach was welcomed, there was scepticism from a small number of respondents that these would adequately inform commissioning, with the potential for commissioner bias.

3.6. Funding: The cost of implementation was raised by a number of respondents, but limited consensus on the best way of meeting these costs. There were questions about the role of the regional banker and how pooling budgets might work, particularly in light of the need to achieve sustainable funding.

3.7. Small Specialist Providers: There was almost universal agreement that regional commissioning approaches should not disadvantage small specialist providers, and that their particular knowledge and expertise should not be lost.

3.8. Time to achieve: While a small number of respondents thought the time frames were achievable, and some felt that they had made good progress towards these, most did not feel that it was possible to achieve full regional commissioning by April 2019. They called for acknowledgement of the complexities and more flexibility to move forward at different rates. They wanted a clear message from Welsh Government that it did not expect full regional commissioning to be fully implemented by April 2019.

4. Feedback from Consultation Meetings with Regional Boards

4.1. Many Boards welcomed the Commissioning Guidance, reporting that regional collaboration is working well in some areas, but regional commissioning is still at a very early stage. Some comments are reflected below:

4.2. There were questions about how the Regional Commissioning Guidance fits with the Multi-agency Collaboration Guidance that was being developed in 2016.

4.3. The governance structures for VAWDASV regions currently do not work in the context of the complexities of other governance structures, such as Public Services Boards (PSBs), Area Planning Boards, Regional Collaborative Committees, Police and Crime Commissioner (PCC) regions and Local Health Boards (LHBs).

4.4. Commissioning strategies are required for a very complex and cross-cutting range of services which impact on VAWDASV; for instance:

- services for children, young people and families
- VAWDASV
- homelessness and housing
- disabled people, including those mental health conditions, learning difficulties and physical impairments
- older people
- community safety partnerships

4.5. The Welsh Government should make it clear this is a journey and regions should be taking incremental steps to achieve it, working with the third sector to add value.

4.6. The regional boards are supportive of regional commissioning but it will take time. A commissioning cycle is 2½ to 3 years to analyse, plan and deliver.

4.7. The regions would appreciate a clear message from Welsh Government about expectations of outcomes required and timeframes to achieve these.

4.8. There were requests for clearer, more prescriptive language.

5. Summary of Responses to Specific Consultation Questions

Most respondents expressed their support and welcomed the guidance.

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

- i. the prevention of VAWDASV;**
- ii. protection of victims of VAWDASV; and**
- iii. support for victims of VAWDASV?**

5.1.1. Most respondents gave a qualified response to this question.

5.1.2. Most respondents agreed that the guidance did offer, or partially offered opportunities for improvements. They felt that it encourages a more sustainable model of funding, identifying gaps in provision and supporting commissioned services to adapt to the changing needs of the local population. The guidance also ensures that delivery of direct services is prioritised.

5.1.3. Several called for more prescription, a stronger focus on direction and clear suggestions about how the improvements could be achieved, including laying out the expected outcomes.

5.1.4. Some raised concerns that particular groups were not well represented, such as male victims, children and young people. They also identified barriers such as inconsistencies across regions particularly in relation to the way in which services are currently funded and delivered which would make the practical application of commissioning arrangements difficult.

5.1.5. Many respondents stated that a dedicated resource is required for the commissioning guidance to be part of effective and transformational way of working.

5.1.6. Some respondents were concerned that smaller, niche or expert services that have sprung up to meet local needs and have specific expertise or local knowledge will lose out to larger organisations.

5.1.7. Particular interest groups were concerned that the guidance did not sufficiently highlight the needs of their service users, such as children, men, families, disabled people or BME people, whereas one respondent felt that groups should not be differentiated and should all be treated as vulnerable.

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

5.2.1. Most responded yes to this question.

- 5.2.2. Some respondents asked for more explicit guidance and one or two found the guidance too long. Most agreed that, at least at a broad level the guidance did make it clear what was expected at each stage. Some gave examples of sections they found particularly useful, while others provided their own examples of how to improve both the structure and the content.
- 5.2.3. Consistent with responses to the first question was the call from a significant number of respondents for more explicit examples of how to implement provisions within the guidance, greater direction and clarity on expectations.
- 5.2.4. Some respondents wanted more elements to be mandatory and legally binding, and for sanctions to be detailed to ensure compliance.
- 5.2.5. The greater emphasis on outcomes was welcomed, but some respondents felt that this could be more effectively highlighted. There was also positive acceptance of the need to involve service users, survivors and specialist service providers, but concern that larger providers may dominate the commissioning landscape, squeezing out smaller, specialist providers.
- 5.2.6. Some felt reference to other commissioning guidance documents could cause confusion as they sometimes advocate contradictory approaches. However, others felt it was very helpful to reference other guidance (see below in summary of answers to question 5).

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

- 5.3.1. Most respondents said yes to this question
- 5.3.2. Most respondents agreed that throughout the guidance it is clear that the commissioning plan must reflect identified regional needs, but many wanted much clearer direction about how this would happen, particularly in relation to:
- sector representation (BME, Sexual Violence, Domestic Violence);
 - governance arrangements; funding arrangements.
- 5.3.3. Some respondents called for funding to deliver the regional agenda, and also raised concerns that having one banker organisation may create confusion about how funding is distributed, and potentially lead to bias in what is funded.
- 5.3.4. While agreeing regional commissioning was useful, some respondents pointed out that there may also be significant local differences that must be reflected in regional commissioning. Examples included urban versus rural areas, services for men, or for BME service users.

5.3.5. One respondent suggested commissioning should be based on communities of need, rather than location. Others were concerned that a regional, rather than a Wales-wide approach would lead to inconsistency across the regions and exacerbate the 'postcode lottery,' While one of the regions prided itself on its comprehensive needs analysis, one respondent felt that some regions ignore the outcomes of the needs analysis when commissioning services.

5.3.6. Some respondents were concerned that a regional commissioning approach posed a significant risk to smaller specialist providers, since they will be significantly disadvantaged by a large-scale competitive tendering process.

5.4. 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?

5.4.1. Most respondents agreed that this is clear within the document.

5.4.2. The need to avoid tokenism was raised, with a call for clearer direction about the level of engagement required and how to achieve this. Several respondents also highlighted the importance of ensuring a representative range of stakeholders were engaged, and the need for different kinds of engagement tools to achieve this.

5.4.3. Many respondents felt that consideration needed to be given to the role of Welsh Government in monitoring and scrutinising the design and commissioning of services to ensure that adequate engagement has been undertaken.

5.4.4. Some respondents felt the document would benefit from including examples of good practice involving partnership working across geographical areas including other Welsh Government Funded programmes.

5.5. Question 5 - Is it clear that the additional documents must be considered and is this helpful and practical?

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

5.5.1. Most respondents answered yes to this question.

5.5.2. Feelings were mixed as to how helpful it was to cross-refer to other documents. Some respondents found the additional information very helpful, and welcomed it, while others thought this was impractical and confusing. Some thought inserting references to other guidance or summarising the contents of the other documents within the Regional Commissioning Guidance would have been helpful, but others would have preferred to see these in the appendices.

5.5.3. One or two respondents requested further guidance, in particular with regards to health services. One respondent felt that the additional documents referred to were not helpful because they did not address the needs of one particular community of serviced users.

5.5.4. Many respondents felt that the Lloyd's Bank Foundation's guidance was very thorough and helpful and this guidance supplements it very clearly.

5.6. 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?

5.6.1. A range of barriers were listed in response to this question.

5.6.2. Commissioning needs to account for the needs of a range of service users including:

- children;
- men;
- those with learning difficulties;
- those with substance misuse issues; and
- victims involved with the criminal justice system.

5.6.3. Specialist training and/or funding streams were required to address these different needs. There were also concerns about commissioner bias, with the risk that particular groups would be disadvantaged because of the particular interests and experience of commissioners.

5.6.4. Inconsistency in the way data is collected; the availability of appropriate data; an evidence-based approach and the need to map good practice were referred to by a number of respondents. Several saw the delay in providing national indicators as a hindrance.

5.6.5. Inconsistency in provision across local authorities and across regions, particularly in relation to the way in which services are currently funded and delivered was also cited. Respondents felt that insufficient recognition had been given to timeframes required for a commissioning cycle.

5.6.6. Respondents were concerned that the requirement to achieve value for money may result in commissioners not attributing sufficient value to

small, expert service providers, resulting in the loss of 'social value.'
Several required more direction as to the practicalities of commissioning.

5.6.7. Respondents were concerned that the proposed merger of VAWDASV grant funding into one Early Intervention, Prevention and Support (EIPS) funding stream could prove to be a barrier, particularly if EIPS has a greater emphasis on local rather than regional priorities and subsequent provision.

5.7. Question 7 - Are the timeframes for commissioning services in line with the guidance feasible (from April 2019)?

5.7.1. Most respondents replied 'no' or 'do not know' to this question.

5.7.2. Of those respondents who were not sure whether the timeframes were feasible or not, most had given this answer because they felt that only the regional commissioning boards would be in a position to know.

5.7.3. The respondents who believed the timeframes were ambitious or unfeasible referred to experience. In particular, they referenced the length of a commissioning cycle, the need to decommission some services while commissioning new services, and difficulties with achieving agreement across a range of organisations which would delay achievement of these timeframes.

5.7.4. The relative maturity of the different regions was one of the reasons given for why the timeframes could not be met. Even the region with the most experience, however, felt unable to meet the timeframes.

5.7.5. The need to properly prepare for regional commissioning, including gathering intelligence about needs was raised. Respondents did not want the approach to be rushed.

5.7.6. Funding was raised by several respondents, with the need to align funding to commissioning and achieve sustainable funding.

5.8. 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?

5.8.1. A number of respondents felt there were no issues, but most did raise issues.

5.8.2. There was recognition that the needs of Welsh language speakers should be addressed, but this is nuanced by the prevalence of Welsh language use and availability of Welsh language services across Wales, as well as the fact that the cost of delivery may disadvantage smaller service providers. The provisions of the Welsh Language Act have different requirements for different sectors and this should be taken into account. The needs of Welsh language service users should also be

considered when moving them to other areas (for example, for safety reasons) where there may be limited provision in their first language.

5.8.3. Some respondents felt that the 'sex' category of protected characteristics had not been sufficiently addressed. There should also be recognition of the need for services to have leadership that is representative of the users of those services. One respondent raised the needs of those with learning difficulties since they are more likely to be victims of abuse and violence.

5.8.4. Some respondents welcomed the commitment to children's rights but felt that there should have been a fuller consideration of which UNCRC articles were referenced in the guidance. A number wanted more consideration of the needs of children, both as victims and witnesses of abuse and violence, and to take a trauma-informed approach but there was concern that funding streams do not support services for children in this sector.

5.9. 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:

5.9.1. A variety of issues emerged in response to this question.

5.9.2. A number of respondents wanted more emphasis on working with perpetrators and looked forward to clarity being introduced by work Welsh Government is undertaking in this sphere. Others highlighted the need to be inclusive and ensure all groups were adequately addressed. Several focused particularly on services for male victims. One respondent wanted references to Family Courts, while another pointed out that there were no references to adverse childhood experiences.

5.9.3. There were a number of areas that were widely welcomed; these included the outcomes focus, needs-led approach, requirement to address the needs of those with protected characteristics under the Equality Act 2010; and the involvement of service users and service providers. One respondent was pleased that the need to ensure smaller third sector organisations are not disadvantaged was highlighted, but others were concerned that these smaller organisations would be squeezed out of the market.

5.9.4. There were a number of areas where respondents held different views. Some wanted more prescription with greater emphasis on mandatory requirements and sanctions for non-compliance, while others wanted more flexibility to address local and regional differences. Some hoped for clear definitions about regional boundaries and felt that movement from this would lead to inconsistency across Wales or exacerbate existing differences; others felt that prescription about regional arrangements would undo previous good work, or else that it would take

no account of the complexity of existing regional arrangements and governance structures.

5.9.5. Many respondents pointed out that the administration of regional arrangements came at a cost, but differed about how these costs should be met. Some called for Welsh Government funding, others for a top-slice to be applied, while another argued strongly against a top-slice and suggested that the banker for the region could provide these services free of charge.

5.9.6. Several respondents referred to quality frameworks, asking which frameworks should be adhered to, pointing to barriers in meeting particular quality standards, for example because of cost or the requirement to be a member of a specified organisation; or else advocating for a particular set of standards.

5.9.7. Several respondents responded with uncertainty about the Supporting People grant and the potential EIPS grant. In particular, they were concerned that requirements for commissioning violence against women, domestic abuse and sexual violence services should not conflict with requirements for commissioning services funded by other grants.

6. Next Steps

6.1. The Welsh Government would like to thank respondents for the time they have taken to feed back their comments and ideas. Responses will inform the status of the Commissioning Guidance and any amendments prior to final publication.

7. List of responses

Responses were received from the following organisations and individuals

Organisations:

Auditor General for Wales
Barnardo's Cymru
Bridgend County Borough Council
Denbighshire County Council
Dyfed Powys Office of the Police and Crime Commissioner
Families Need Fathers Both Parents Matter
Gwent Office of the Police and Crime Commissioner
Gwent VAWDASV Partnership Board
Hafan Cymru
HM Prison & Probation Service in Wales
Hywel Dda University Health Board
Learning Disability Wales
Llamau
NHS Wales – National Safeguarding Team
Neath Port Talbot County Borough Council
North Wales VAWDASV Strategic Boards
NSPCC Cymru/ Wales
Pan Wales Response – Police and Crime Offices and Police Leads
Police and Crime Commissioner – South Wales Police
The Isle of Anglesey County Council's
The Royal College of Nursing Wales SafeLives
South Wales Fire & Rescue Service
Survivors Empowered
Velindre NHS Trust
Welsh Women's Aid

Individuals:

Sophie Hansen, Survivors empowered
Raymond Greenwood,
Andrew Jones
Kara Newsome
Samantha Williams, Learning Disability Wales Wales
Rhiannon Edwards, North Wales VAWDASV Strategic Board
Alison Kibblewhite. South Wales Fire and Rescue Service
Tina Hitt, Velindre NHS Trust
Jenna Lewis, Llamau
Abbie Davies, Police and Crime Commissioner - South Wales Police
Liana Duff, Denbighshire County Council