

Notice of Non-Key Executive Decision

Subject Heading:	Approval to commence a competitive tender process to procure preventative services to reduce and delay the need for care and support.
Cabinet Member:	Councillor Frost, Cabinet member for Health and Adult Care Services
SLT Lead:	Barbara Nicholls, Director of Adult Social Care
Report Author and contact details:	Sandy Foskett, Commissioning and Project Manager T: 01708 434742 E: sandy.foskett@havering.gov.uk
Policy context:	The contract supports the prevention duties under the Care Act 2014. These types of services prevent the need for more costly care and support interventions, making the most of existing personal and community resources and fulfils the Council's duties under the Care Act to help vulnerable people remain safe in the community.
Financial summary:	The budget for this procurement will come from the Better Care Fund. The proposed tender is to award a 4-year contract (plus up to 1-year extension option). In total over the 5-year period, the budget will be set at a maximum of £2.9m.

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Relevant OSC:	Individuals
Is this decision exempt from being called-in?	No

The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This decision paper seeks approval from the Director of Adult Social Care to commence a tender process using an open procedure to award 6 contracts for the provision of prevention services each contract to commence on 1 February 2022 with a 4-year initial term and an optional 1-year extension period.

See below list of Contracts and Values:

1. Wellbeing, Sustainability and Social Inclusion Contract (Physical Disability and Sensory): Annual Contract Value: £80k
2. Wellbeing, Sustainability and Social Inclusion Contract (Dementia): Annual Contract Value: £80k
3. Wellbeing, Sustainability and Social Inclusion Contract (Mental Health): Annual Contract Value: £80k
4. Wellbeing, Sustainability and Social Inclusion Contract (Learning Difficulties): Annual Contract Value: £80k
5. Wellbeing, Sustainability and Social Inclusion Contract (Older Frail): Annual Contract Value: £80k
6. Sustaining Carers Contract: Annual Contract Value: £200k

At a total maximum cost of £2.9 million over 5 years (£580k per annum)

AUTHORITY UNDER WHICH DECISION IS MADE

Havering Council's Constitution, Part 3.3 Powers of Members of the Senior Leadership Team; Contract powers (a) To approve commencement of a tendering process for all contracts above a total contract value of £500,000.

STATEMENT OF THE REASONS FOR THE DECISION

1. Background

Section 2 of the Care Act places a statutory obligation on local authorities to provide or arrange services, facilities or resources or take other steps which it considers will:

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- a) Contribute to preventing or delaying the development by adults in its area of need for care and support
- b) Contribute to preventing or delaying the development by carers in its area of need for support
- c) Reduce the need for care and support of adults in its area
- d) Reduce the need for support of carers in its area

There are currently a number of local third sector organisations commissioned to provide preventative services in the community across different specialisms. These contracts fill in gaps in service provision and thus fulfil the Council's duties under the Care Act.

Of the original 15 contracts (annual spend £585,615 per annum), one became self-sustaining from 1st February 2020 (service now being run by volunteers) and is no longer offered to the Council at a cost. We recommend utilising this funding by reinvesting into preventative services.

These services are designed to meet three specific outcome areas, which are:

- Promote social inclusion for those who are isolated and/ or prevent people from becoming socially excluded
- Develop community resilience and personal wellbeing through peer support networks
- Carers supported in their caring role and to maintain a life of their own

Table 1 below shows the current VCS contracts arrangements:

	Social Inclusion Contract	Annual Contract Value	Peer Support Contract	Annual Contract Value	Carers Support Contract	Annual Contract Value
Physical & Sensory Disability	Social Inclusion Service (Havering Association for People with Disabilities)	£40k	Community Friends Programme (Havering Association for People with Disabilities)	£40k	Havering Carers Hub (Carers of Barking & Dagenham)	£37,123
Dementia	Singing For The Brain Alzheimer's Society*	£40k	Peer Support Lunch Club (Tapestry)	£40k	Havering Carers Hub (Carers of Barking & Dagenham)	£37,123
Mental Health	Social Inclusion Havering MIND	£40k	Peer Support Havering MIND	£40k	Havering Carers Hub (Carers of Barking & Dagenham)	£37,123

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Older Frail	Care Navigation Service Age UK	£40	Di's Diamonds Age UK	£40k	Havering Carers Hub (Carers of Barking & Dagenham)	£37,123
LD & Autism	Autism Hub & Peer Support Groups Sycamore Trust	£40k	Autism Hub & Peer Support Groups Sycamore Trust	£40k	Havering Carers Hub (Carers of Barking & Dagenham)	£37,123

***Singing for the Brain Service became self-sustaining from 1st February 2020.**

The current contracts end in January 2022 and we advise recommissioning the services as they are providing valuable services to the community in preventing / delaying the need for statutory support. The benefits of these services include:

- The VCS as a whole supported 411 new clients in 2018-19 and 471 new clients in 2019-20.
- Positive outcomes to the clients groups they support which can be evidenced from the VCS outcomes reporting:

In 2018-19, 93% of clients who responded to the outcomes survey agreed or strongly agreed that their overall wellbeing has improved as a result of the VCS services

- In 2018-19, 93% of clients who responded to the outcomes survey agreed or strongly agreed that it increased their social inclusion and social contact as a result of the VCS services
- In 2018-19, 85% of carers who responded to the outcomes survey agreed or strongly agreed that they felt more supported in their caring role and able to remain in their caring role as a result of the carers VCS services

Through the review process there were areas for improvements identified, which included:

- To consolidate the peer support and social inclusion contracts, it was identified the service aims are intrinsically linked
- To consolidate the carers support contracts, to create a seamless service and maximise efficiencies
- To incorporate greater flexibility into the Specification, to provide tailored support to each service user on individual basis
- To align to the Council's Better Living Model and Local Area Coordination

2. Proposal

The procurement is proposing to consolidate the 14 contracts into 6 service categories as follows:

- 1- Physical Disability and Sensory for the sum of £80,000 per annum
- 2- Dementia for the sum of £80,000 per annum

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- 3- Mental Health for the sum of £80,000 per annum
- 4- Older Frail for the sum of £80,000 per annum
- 5- Learning difficulty and Autism for the sum of £80,000 per annum
- 6- Sustaining Carers for the sum of £180,000 per annum

Categories 1-5 to focus on wellbeing (see Table 2 below) targeting and engaging with particular areas of need. There will be a single contract for carers, which will consolidate all areas of need (Outcome 2).

We are proposing to adapt the service outcomes to align closer with the Council's strategic communities priorities with greater emphasis on supporting individuals to achieve the following:

- Building Strengths and Resilience in the Community
- Supporting people to find their own solutions
- Developing Community Networks, linked to the Council's Local Area Coordinators project)
- Community Advocacy

Table 2 below shows the new tender approach, the specific client groups and the amount of funding available for each of the proposed six contracts:

	Outcome 1 Wellbeing, Sustainability and Social Inclusion Categories	Outcome 2 Sustaining Carers Categories
Physical Disability and Sensory	Up to £80K	Upto £180k
Dementia	Up to £80K	
Mental Health	Up to £80k	
Older Frail	Up to £80k	
Learning Difficulty and Autism	Up to £80k	

The aim of the commissioning exercise is to ensure the voice of the resident is central to the bid to meet the new service outcomes below:

- Promote social inclusion, develop community resilience and improve wellbeing
- Carers are supported to sustain their role to continue caring, improve their wellbeing, and maintain a life of their own
- People are more independent and better able to manage their daily lives (this is sometimes achieved through Community Advocacy)

The Council will therefore be seeking suitably experienced organisations to bid for different contracts as outlined in the table above. Experience for organisations interested in bidding will be set at a minimum of 2 years' experience of delivering similar services. A Prior Information Notice will be published and this will encourage providers to contact the Council to record their interest. This will be followed with a market engagement event that is planned for 25th February 2021.

Providers can bid for one more of the contract categories in the Table 2 and thus provide an opportunity for single and joint bids for the contract/s.

3. Project Management of the Tender Process

The project will be managed using the Councils Project Management toolkit adapted for the particular needs of this project. A formal project management structure will be established, including identification of peoples' roles and responsibilities. Throughout the project the following control measures will be put in place:

- Reporting progress to the Project Board on a monthly basis
- Reporting progress on Execview on a monthly basis
- Managing the progress of the project through the monitoring and delivery of a Project Plan
- Assigning tasks and managing these with a regularly updated Action Log
- Identifying and managing risks with a regularly updated Risk Log
- Communication to wider stakeholders on a monthly basis where deemed necessary.

The scope of the project includes:

- a) Review of existing documents
- b) Production of new documents
- c) Managing the tender process
- d) Evaluating bids
- e) Awarding the contract
- f) Preparing for the start of the new Contract
- g) Measuring the benefits

A Project Board will be responsible for seeing that the project objectives are being achieved in a timely and effective manner. The Project Board will meet on a fortnightly basis. The aim of the Project Board is to act as the formal body to supervise the tendering of the service carrying out the key functions below;

- a) Supervise the redesigning of the current service so as to ensure that it will deliver the required outcomes
- b) Supervise activities across the tender process whilst ensuring required documentation is returned within specified deadlines.
- c) Ensure that procurement is monitored and effectively follows the project plan, ensuring the tender activities are acted upon within strict deadlines.
- d) Supervise the preparation and completion of other relevant tender documents in alignment with requirements.

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- e) Evaluate tender documentation to ensure compliance with the requirements of the Council's tender.

4. Procurement Approach

The process for this procurement will be an Open procedure, adhering to the Council's Contract Procedure Rules. The procurement follows a formal tender process in line with the Public Contracts Regulations 2015.

The price:quality weighting for evaluation of the contracts will be 20:80. This departs from the Council's prescribed weighting of 70:30 and is considered appropriate and best value for the Council on the basis that the nature of the contracts is preventative and targeted at vulnerable residents. This weighting is intended to ensure contract award to the most suited, high quality providers that will deliver the best preventative services. The altered weighting has been approved via waiver to the Council's Contract Standing Orders by the Cabinet Member for Health and Adult Care Services.

The budget for this procurement will come from existing Better Care funding streams. Budgetary provision and level of funding has been discussed and agreed with the JCU's senior managers. It is proposed that the Council will go out to the market with similar values to the current contracts. For these contracts the total 5 year budget will be set at a maximum of £2.9m. The maximum permitted annual bid for each contract is set out in table 2 Bidders will be encouraged to make efficiencies, find savings and bid lower than the available budget. These are preventative services and through reducing demand and delaying the need for ongoing support reduce spend for Adult Social Care.

The procurement will be an open procedure. In more detail, the procurement timetable is as follows;

- a) Project Board develops and prepares tender documents in January 2021
- b) The project aims to publish the tender in April 2021
- c) Project Board evaluates bids in June to July 2021
- d) New contract to be formally awarded in October 2021
- e) The service will be mobilised between November 2021 to January 2022
- f) The contract will begin on 1st February 2022 for a four year period (with one year extension option)

To conclude, the new contract will be managed by a Commissioning Manager in the Joint Commissioning Unit with engagement with key internal stakeholders from Adult Social Care and Mental Health.

OTHER OPTIONS CONSIDERED AND REJECTED

1. Extend existing contracts; Contracts have already been extended and there are no further permitted extensions available.

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2. Do nothing: Allowing the existing contracts to lapse would lead to a potential destabilisation of the current services. This would lead to the Council not being fully compliant with its existing obligations to provide these services.

The presence of an active community and voluntary sector is recognised as a vital community asset that can build community resilience and support statutory services. In practice it is likely to be the voluntary sector that will be positioned to best provide the preventative services we require. These types of services prevent the need for more costly care and support interventions, making the most of existing personal and community resources and fulfils the Council's duties under the Care Act to help vulnerable people remain safe in the community. If the funding was withdrawn demand will likely increase for statutory services, placing a significant risk on Council services.

PRE-DECISION CONSULTATION

Internally we have consulted with JCU, Procurement, Finance, Legal and Adult Social Care.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Sandy Foskett

Designation: Commissioning and Project Manager

Signature:

Date: 25th January 2021

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council has power to procure the contracts under the general power of competence contained in section 1 of the Localism Act 2011 which allows the Council to do anything that an individual may do subject to any statutory constraints on the Council's powers. None of the constraints on the Council's s.1 power are engaged by this decision.

The Council also has power to procure the contracts under s111 Local Government Act 1972 as the contracts will facilitate the Council in discharge of its powers and duties as set out in this report.

The contracts fall within the light touch regime of the Public Contracts Regulations 2015 (PCR). The proposed open-type tender procedure is compliant with the requirements for tendering light touch services.

The procurement must comply with the requirements of the Council's Contract Standing Orders unless waived. The departure from the Council's prescribed price:quality ratio of 70:30 has been approved by Cabinet member waiver dated 1st April 2021. The proposed weighting of 80:20 is therefore permissible.

For the reasons set out above, the Council may commence the tender process for provision of prevention services.

FINANCIAL IMPLICATIONS AND RISKS

The current cost of the 14 contracts, totals £580k per annum and are fully budgeted within the following Better Care Fund codes:

- Tapestry Lunch Club Service – A34090.651180.6213.700710.602717
- Age UK Care Navigation Service – A34060.651180.6213.700710.602711
- Age UK Peer Support Service – A34060.651180.6213.700710.602715
- Havering Mind Peer Support Service – A34090.651180.6213.700710.602718
- Havering Mind Social Inclusion Service – A34090.651180.6213.700710.602710
- Sycamore Trust Autism Hub Service – A34070.651180.6213.700710.602719 / 602720
- Havering Association for People with Disabilities Service – A34060.651180.6213.700710.602712 / 602716
- Carers Hub Service – A34080.651180.6213.700710.602706 / 602707 / 602708 / 602709 / 602710

Based on the current contracts, the value over a 5 year period would cost £2.9m. Therefore a tender process which sets a maximum limit of £2.9m over a 5 year period (inclusive of a 1 year extension option) would remain within the budgetary limits for prevention services.

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The services provide support that prevents or reduces the need for statutory support making better use of available assets in the community to ensure that Havering residents get the best interventions and outcomes from the investments made by the Council. In addition, providing high quality preventative services are also likely to mitigate increased costs in other areas of adult social care provision over the contracts lifespan.

However, as the VCS Contracts are funded via Better Care funding, there is a risk that if the BCF grant ceases or reduces in the future, alternative funding arrangements may need to be identified by Havering and partner organisations.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

There are no implications or risks anticipated to council staff as the employees involved in the delivery of the current service are employed directly by the existing Provider. Should the current provider not be successful then it would need to discuss the terms of the staff transfer with the successful provider in line with the Transfer of Undertakings (Protection of Employment) Regulations 2006" as amended by the "Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

The action undertaken in respect of the new contract will include monitoring how the service meets the needs of all eligible users, including those from ethnic minority communities and the disabled. The Council will also ensure that potential providers

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have undertaken equality training and adhere to the Council's Fair to All Policy or their own equivalent.

BACKGROUND PAPERS

Non Key Executive Decision: Approval to Waive the Council's Contract Procedure Rules for the tender of Preventative Services dated 11th March 2021.

Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed



Name: Barbara Nicholls

Director of Adult Social Care

Date: 12/04/2021

Lodging this notice

The signed decision notice must be delivered to the proper officer, Andrew Beesley, Committee Administration & Interim Member Support Manager in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____