



Havering
LONDON BOROUGH

Notice of Non-key Executive Decision

Subject Heading:	Approval to Procure Learning Disabilities Supported Accommodation Service
Decision Maker:	Barbara Nicholls, Director of Adult Social Care
Cabinet Member:	Councillor Gillian Ford, Cabinet Member for Health and Adult Care Services
SLT Lead:	Barbara Nicholls, Director of Adult Social Care
Report Author and contact details:	Daren Mulley, Senior Commissioning Manager, Joint Commissioning Unit E: daren.mulley@havering.gov.uk
Policy context:	<p>At a local level, this contract supports Havering Council to meet its Communities Theme priorities in its Corporate Plan 2019/20. This plan sets out how the Council intends to invest and transform the borough with an emphasis on improving the lives of vulnerable children, adults and families. In summary, this contract ensures the Council fulfils its aim of ensuring that the needs of the most vulnerable are met and that people are supported to be healthy and active.</p>
Financial summary:	The budget for this procurement will come from existing revenue social care budgets. This proposed tender intends to award a 7 year contract. In total over

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	the 7 year period, the budget will be set at a maximum of £1.68m.
Relevant OSC:	People OSSC
Is this decision exempt from being called-in?	No

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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 to commence a fully compliant tender process to award a seven year contract for the provision of a Supported Accommodation Service for people with Learning Disabilities from 1st August 2023 to 31st July 2030.

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

This service provides housing related support to vulnerable adults with mild to moderate learning disabilities to enable them to maintain their independence in their own home. The current contract comes to an end next year and the commissioning of a new contract is the preferred approach to maintain this service provision. This will ensure that the Council continues to provide low level support to promote independence, 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.

2. Project Management of the Tender Process

This project will be managed using the Council's 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 Verto, the Council's web based project management system, 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

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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 be a newly formed group and will meet on a monthly basis commencing June 2022. 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.
- e) Evaluate tender documentation to ensure compliance with the requirements of the Council's tender.

4. Procurement Approach

This procurement will be subject to and adhere to the Council's Contract Procedure Rules. The procurement will adhere to a formal tender process in line with the local contract procedure rules and in accordance with the Public Contracts Regulations 2015, which require compliance with principles of non-discrimination, equal treatment and transparency.

The budget for this procurement will come from the existing funding stream. 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 a similar value to the current contract. For this tender, in total (over 7 years), the budget will be set at a maximum of £1.68m. Bidders will be asked not to bid in excess of the maximum budget and will be encouraged to make efficiencies, find savings and bid lower than the available budget. By assigning 70% of the score to the commercial evaluation, bidders will therefore be encouraged to bid lower than the available budget.

In more detail, the procurement timetable is as follows;

- a) Project Board develops and prepares tender documents in September 2022
- b) The project aims to publish the tender in October 2022

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- c) Project Board evaluates bids in November 2022
- d) New contract to be formally awarded in January 2023
- e) The service will be mobilised between March – July 2023
- f) The contract will begin on 1st August 2023 for a seven year period

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

OTHER OPTIONS CONSIDERED AND REJECTED

1. Extend existing contract; Contracts have already been extended and so this approach would contravene the Council's Contracts Procedure Rules.

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

PRE-DECISION CONSULTATION

The pre-decision consultation has involved engaging with a number of stakeholders for the tender. In summary, the table below presents the type, methods and stakeholders engaged in the pre-decision consultation;

Type	Methods	Consultees
Project Board	Formal regular meetings phone, email	a) Joint Commissioning Unit b) Adult Social Care c) Procurement d) Finance e) Legal
Review of Tender Documents	Desktop Research, Phone, Email, Meetings	a) Current Provider b) Current Service Users c) Joint Commissioning Unit d) Project Board members
Prior Information Notice	Notice published via the Council's procurement system	a) Current Care provider b) Other interested Providers in the market
Market Engagement Event	Meeting with potential bidders	a) Joint Commissioning Unit b) Procurement c) Interested Providers in the market

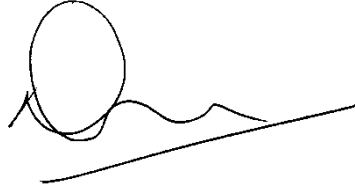
NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

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Name: Daren Mulley

Designation: Joint Commissioning Unit

Signature:

A handwritten signature in black ink, consisting of a large, rounded initial 'D' followed by a series of connected loops and a long, sweeping horizontal stroke that extends to the right.

Date: 21/07/2022

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Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

1. The Council has power to procure the services 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 section 1 powers are engaged by this decision.
2. The subject matter of the contract falls within the light touch regime (LTR) under Schedule 3 of the Public Contracts Regulations 2015 (PCR). The proposed value of the contract exceeds current the threshold for LTR services of £663,540 and therefore is subject to the full rigours of the PCR publication requirements. The proposed open tender is compliant with the requirements of both the PCR and the Council's Contract Procedure Rules for contracts of this nature.

FINANCIAL IMPLICATIONS AND RISKS

The proposal is to go out to tender for a 7 year contract, from 23-24 at a cost of £240k per annum and a total contract value of £1.68m over the whole contract life.

The annual cost of the current contract is £218k per annum so there will an increase of £22k per annum. This increase in the contract value does not affect the bottom line financial position of the Adult's Directorate due to the Peabody transitional housing support contract ending part way through the 21/22 financial year. The activities that were previously undertaken from this ceased contract will be picked up as part of the new contract.

Reviewing the 22/23 budget allocation there is sufficient budget available to fund the contract if the budgets are to remain the same for 23/24 and onwards.

There is £276,900 of budget available on the following two codes:

A34070-Learning Disabilities Commissioning	651780-PRIVATE CONTRACTORS PAYMENT - OTHER	6025-Externally Provided Services	000000-No Objective	600609-East Living - Learning Disabilities	188,120
A34070-Learning Disabilities Commissioning	651780-PRIVATE CONTRACTORS PAYMENT - OTHER	6025-Externally Provided Services	000000-No Objective	600615-Family Mosaic. Learning Disabilities Transitional Support Services	88,780

This contract is due to start on the 1st August 2023 so the 23/24 financial year would have a pro rata impact of approximately £16.5k increase in the contract value and 24/25 onwards would see the full year effect.

No savings will materialise from this contract re-procurement.

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

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

The Council's Social Value Framework will be used to assess the environmental impact and plans of those suppliers bidding for this contract. As a result, suppliers will be required to describe how they intend to minimise impact on the environment by:

- a) Eliminating the need for one use plastics
- b) Ensuring that all waste is correctly recycled
- c) Utilising public transport when this fits with Infection Protection Control measures

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- d) Employing locally wherever possible to reduce the environmental impact of travelling to work
- e) Employing digital solutions to reduce the need for manual recording and disposable materials.

BACKGROUND PAPERS

None

APPENDICIES

None

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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

CMT Member title:

Date: 28/07/2022

Lodging this notice

The signed decision notice must be delivered to Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____

Executive Decision Report Audit Trail

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Position/Title	Directorate	Date Sent	Date received	Date Cleared
	Cabinet Lead			
	Member			
	SLT Director			
	Legal			
	Finance			
	Human			
	Resources			
	Equalities			
	Health			
	Democratic			
	Services			