

Decision Maker: EXECUTIVE

Date: For Pre-Decision Scrutiny by the Adult Care and Health Policy Development and Scrutiny Committee on Wednesday 19th September 2018

Decision Type: Non-Urgent Executive Key

Title: GATEWAY 1 MEMBERS REPORT: PROCUREMENT STRATEGY FOR SUPPORTED LIVING SERVICES AT 213 WIDMORE ROAD, LANCASTER HOUSE, AMPLIO HOUSE, SWINGFIELD COURT AND GOLDSMITHS CLOSE

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Ward: Borough-wide

1. REASON FOR REPORT

- 1.1 The Council has a contract in place for Supported Living Adults with a Learning Disability at five properties: 213 Widmore Road, Lancaster House, Amplio House, Swingfield Court and Goldsmiths Close. The current contract has been in place, delivered by Avenues, from 12 January 2015 and is due to end on 11 January 2020 with no further extension options available.
 - 1.2 There is an ongoing need for Supported Living services, both for existing and new clients, and this report details the procurement strategy for the retendering of the contract for the five properties.
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2. RECOMMENDATIONS

- 2.1 The Adult Care and Health PDS Committee is asked to note and comment on the contents of this report prior to Council's Executive being requested to:
 - i) Agree to continue to group the properties together for the purpose of tendering in order to drive the best possible pricing; and,
 - ii) Approve the commencement of the retendering for this service, in accordance with the Council's Financial and Contract Procedure Rules, for a new five year contract, with the option to extend for up to a further two years. The retendered contract is planned to commence from 12 January 2020 at an estimated annual value as indicated in Section 6.

Corporate Policy

1. Policy Status: Existing policy.
 2. BBB Priority: Supporting Independence.
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Financial

1. Cost of proposal: Estimated cost 213 Widmore Road, £191k per annum; Lancaster House, £214k per annum; Amplio House, £416k per annum; Swingfield Court, £564k per annum; Goldsmiths Close, £88k per annum. Total combined £1,474k
 2. Ongoing costs: Recurring cost. £1,474k per annum (estimated)
 3. Budget head/performance centre: 819 *** 3618 (Learning Disabilities Services – Supported Living)
 4. Total current budget for this head: £12,524k
 5. Source of funding: Council's General Fund (within existing budget envelope subject to tender outcome)
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Staff

1. Number of staff (current and additional): Not Applicable
 2. If from existing staff resources, number of staff hours: Contract Compliance Officer @14 hours per annum for monitoring
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Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is applicable Executive decision.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 32 Adults with a Learning Disability
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

3. COMMENTARY

- 3.1 The Council has a contract in place for Supported Living for 32 Adults with a Learning Disability at five properties: 213 Widmore Road, Lancaster House, Amplo House, Swingfield Court and Goldsmiths Close. The current contract has been in place, delivered by Avenues, from 12 January 2015 and is due to end on 11 January 2020 with no further extension options available. The contract was originally awarded, via competitive tender, with an estimated annual contract value. Actual annual spend is determined by the assessed needs of the individual clients placed and the contract has had consistent actual annual expenditure in excess of £1.4M.
- 3.2 The 5 properties were developed to meet the specific needs of adults with learning and physical disabilities and are viewed as a key resource in meeting the existing and future needs of Bromley's adult learning disability population and in particular in avoiding the need for people to move into residential care.
- 3.3 Supported living is used to describe the arrangement whereby someone who already has, or who wants their own tenancy or own home, also has support from a "Care and Support" provider to help them live as independently and safely as possible. They will receive support and help with any aspects that are required to live an ordinary life as possible, this could be help with:
- Managing bills and money
 - Cooking and healthy eating
 - Getting a job
 - Shopping
 - Learning new skills for independence
 - Personal care and well-being
 - Managing medication
 - Accessing employment, sports and social activities
- 3.4 The tender relates to the entire provision of service at the schemes. The hours relating to the provision of core support are normally fixed but the individual 1:1 support hours are tailored to the assessed needs of each person living in the scheme. The individual support hours can vary dependent upon a person's changing needs or when a new service user with different needs moves into the scheme. Service users have the option to purchase their personal support hours from a different provider.
- 3.5 The schemes have all previously been subject to formal tendering and this will be their third time being subject to competitive tendering.
- 3.6 Monitoring officers carry out audits based on emerging issues relating to local or national priorities – for example number of clients attending Annual Health Checks which is a CCG KPI. There are also periodic meetings with the provider and a mixture of announced and unannounced visits by the Council's contract monitoring staff; the resulting reports are discussed at provider meetings. Key performance indicators are standardised across all our commissioned supported living services. They are currently being updated for this contract as a result of ongoing contract monitoring and management experience.
- 3.7 Following a CQC inspection on 8.11.17 of their London (South) offices which these 5 services fall under, a rating of Requires Improvement was issued to Avenues on the 4.1.18. As a result of this Contract Management meetings and monitoring visits were stepped up by the Council in order to assure ourselves that the appropriate remedial

action was being taken to address this rating and that our clients were safe. Particular attention was paid to Avenues CQC recovery plan as the two domains they under scored in were Well Led and Safe. Current monitoring reports identify that the services are stable and delivering to the required quality.

- 3.8 For these services and all future Supported Living contracts it will be a stipulation that each scheme, or group of schemes, be registered individually with CQC. This is a model that many providers are already moving to and if a service were to fail a CQC inspection it means that remedial action can be focused in on very service specific actions rather than across a large geographical area.

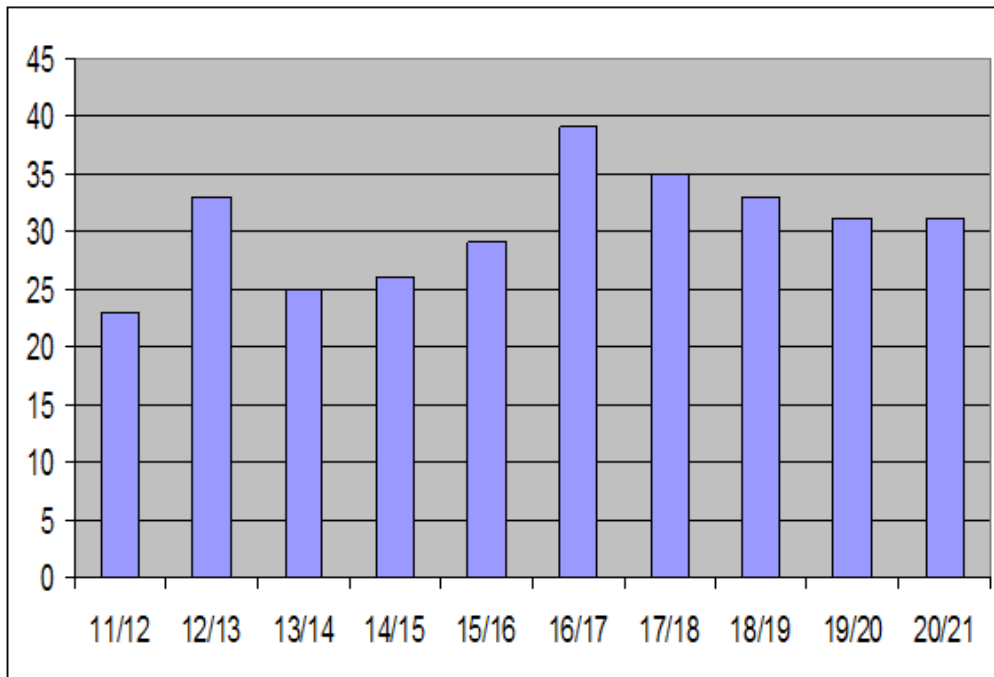
4. SUMMARY OF THE BUSINESS CASE

- i) Continuing delivery of this, and other Supported Living schemes, provides a value for money means of delivering support to clients within their own tenancies, as opposed to being placed in residential care. The Supported Living model also affords a greater degree of choice and control for the clients enabling strength based model of support that is both flexible and cost effective in meeting needs.
- ii) These five schemes form part of the 155 Supported Living places within the Borough – demand for these service is forecast to continue. Continued provision of these services ensures that people are given the opportunity to continue living within their own borough close to family and other circles of support. Locally commissioned provision also allows us to monitor the quality of service provision on a planned and ‘without warning’ basis, thereby helping in ensuring that safeguarding concerns are either raised in a timely manner or prevented from arising.
- iii) The Council has a statutory duty to meet the needs of service users supported in the schemes as set out in Part 1 of the Care Act ‘General Responsibilities of Local Authorities’.
- iv) Supporting Living contracts have recently been rationalised through the grouping of schemes into single tenders, reducing the number of contracts from eight to six. It is not proposed to group this scheme with other Supported Living schemes due for retender at this time due to the risks of provider monopolisation and provider failure for very high value contracts.
- v) These schemes were reviewed under the Learning Disability efficiency programme and as a consequence client care packages were reassessed resulting in efficiencies to the contract price. For example at Lancaster House £25k per annum was achieved.

4.1 SERVICE PROFILE/DATA ANALYSIS

4.1.1 Analysis of local data in 2010 compares with the national trend as shown in the graphic below.

Table 1: Numbers of YP with disabilities in Bromley reaching 18 by calendar year



4.1.2 Detailed analysis of children and young people in the education system in Bromley (2018) identified that of the 2187 Children & young people with EHC plans:

- 578 with Autism
- 8 with Profound and multiple Learning Difficulties
- 104 with Severe Learning Difficulties
- 216 with Social, Emotional and Mental Health

4.1.3 As can be seen the potential demands coming through from under 18 services is expected to be significant well into the future.

4.1.4 Demand for learning disability services is increasing nationally and locally. A narrow estimate of the number of school children nationally (broadly, aged 5-16 years) with complex needs is 73,000, made up of:

- 10,900 children with profound and multiple learning difficulties
- 32,300 children with severe learning difficulties
- 27,500 children with autistic spectrum disorders in special schools
- 2,300 children with multi-sensory impairments.

The equivalent figure in 2004 was 49,300.

4.1.5 This suggests that the number of school children with complex needs in schools in England may have risen by nearly 50 per cent in just over a decade. The actual number is higher, as children with other primary needs may have complex needs and because there are some important gaps in School Census data.

4.1.6 The potential demands coming through from under 18 services is expected to be significant well into the future. Continued delivery of these five schemes will support the Council in meeting its statutory duties against a backdrop of both increasing numbers and an increase in the needs of clients entering adult services.

4.2 OPTIONS APPRAISAL

4.2.1 The following options have been considered at this time:

4.2.2 **Tender the individual schemes separately 'as is'**. While there are risks in grouping together schemes due to the larger value contracts and reduced provider base, these schemes have been tendered and contracted for on a grouped basis for several years. Care has also been taken in the structure of other Supported Living contracts to ensure a broad base of contracts still exist. Subdividing this contract into individual schemes will not deliver economies of scale in contract delivery and will incur increased tendering costs.

4.2.3 **Decommissioning of the service** would be inappropriate given the projected level of demand as identified in Section 4.1. Also the clients living in these schemes would still require their needs to be met under the Care Act 2014. Moving them to alternative services would be difficult as they are legal tenants in their own right and would require the resident clients to be moved to other similar, and likely to be more expensive, care services.

4.2.4 **Retender as a single contract for five schemes**. Maintaining the five schemes in one Lot should deliver economies of scale and savings to the Council in the procurement process. The single Lot would also be a more attractive proposition for tenderers. The schemes reflect synergies in terms of the type of service user and level of need. The original tender exercise carried out in 2013 for these services resulted in a bid being submitted by Avenues that was significantly below that of the other tenderers. The current prices are considered very competitive in the current market

4.3 PREFERRED OPTION

4.3.1 It is proposed to continue grouping the schemes in a single Lot and retender for a five year term, with the option for a 2 year extension. This would make the total value of the contract approximately £10,319k on current cost, with an estimated annual value of £1,474k.

4.4 MARKET CONSIDERATIONS

4.4.1 There is a strong and stable market for the provision of supported living services. The previous tender exercises for similar schemes returned 20 tender submissions. Due to market consolidation over the recent years most bidders are regional or national third sector organisations with whom we are familiar with.

4.4.2 As a consequence no special considerations need to be given to the market at this time in relation to the tendering of these schemes.

4.4.3 Assessment of the market, including detailed analysis of cost composition obtained through recent tender exercises; show that the prices obtained by the Council are extremely competitive and that the Council is unlikely to obtain any cost reduction

seen in the previous tender exercise for these services without significantly compromising the quality and sustainability of the services.

4.4.4 Officers therefore anticipate a strong market interest in this tender as has been evidenced by previous tenders of a similar nature and provider feedback, particularly from those providers who do not yet have a presence in the Borough.

5. STAKEHOLDER ENGAGEMENT

5.1 Quality Checkers, the user led monitoring group, engage with service users within our supported living schemes prior to tendering in order to ascertain their views and what is important to them in a provider of services. A Quality Checker representative is also on the interview panel to ensure that the voice of service users is represented.

6. PROCUREMENT AND PROJECT TIMESCALES AND GOVERNANCE ARRANGEMENTS

6.1 Estimated Contract Value – £10,318k for 5+2 (estimated annual value £1,474k).

6.2 **Other Associated Costs** – None

6.3 Proposed Contract Period – 5 years with a 2 year extension commencing 12 January 2020

6.4 A detailed service specification will specify the requirements to the provider and the outcomes for the people they support. The specification will be based upon best practice, experience gained through years of contract monitoring and the guidance in the Care Act 2014. A copy of the contract, that has been developed over a number of years and which incorporates the Council's legal and financial requirements, is included as part of the tender information so that prospective bidders are fully aware of their responsibilities.

6.5 The Key Performance Indicators in the current specification will be reviewed and will likely include Clients with an up to date person centred support plan and Clients who have had an Annual Health Check amongst others. The KPI review will be subject to a sign off process with Chief Officers in ECHS, including the Director of Adult Social Care. The performance of the provider will also be monitored against the delivery of a set of measurable outcomes focused on the achievement of greater independence for service users and linked to the areas referred to in paras 3.3 of this report.

6.6 Current Key Performance Indicators that the contract operates under are:

KPI	Target	Monitoring Method
Percentage of staff team to be permanent	75%	Quarterly Monitoring Report
Agency Staff	No more than 10% of Staff team to be agency	Quarterly Monitoring Report
Percentage of staff receiving mandatory refresher training	95%	Contract Compliance Visit
Percentage of appropriately trained and assessed as competent staff available to meet the health and medication needs of the client's 24/7	100% of the time.	Contract Compliance Visit
Ensure that all safeguarding and serious incidents are reported in accordance with national and local guidance	100% compliant	Quarterly Monitoring Report
Level of client satisfaction that reflects the local issues and service.	90% satisfied	Annual Satisfaction Survey

6.7 Tenders will be awarded on the basis of price (60%) and how bidders have answered and evidenced their responses against award criteria (40%). The award criteria will include:

- The tenderer's financial resources and fiscal structure to implement and deliver the contract over the full term
- Their strategy to implement the contract
- Recruitment, Training and Workforce Development
- Quality assurance of outcomes including measurement and monitoring processes
- How the tenderer meets complex needs through Person Centred Support
- How the tenderer, through its safeguarding policy will keep tenants safe and how they will manage risk across the services
- How the tenderer will comply with GDPR in relation to the delivery of the contract

6.8 The indicative procurement timeline will be:

Issue Invitation to Tender	January 2019
Tender Return Stage 1	February 2019
Tender Return Stage 2	May 2019
Marking and interviews	June 2019
PDS & Exec Reporting	September 2019

7. SUSTAINABILITY AND IMPACT ASSESSMENTS

7.1 As part of the written response tenderers are required to address how they would meet social, economic and environmental considerations through the delivery of the services. These areas can cover such activities as local recruitment policies, procuring goods and services from local businesses, fundraising activities on behalf of local and national charities.

8. POLICY CONSIDERATIONS

8.1 The Council's statutory duty under the Care Act 2014 is the consideration in relation to the procurement and delivery of these services.

9. FINANCIAL CONSIDERATIONS

9.1 The actual spend and estimated spend for the last three years to 2018/19 is detailed in the table below.

<u>5 Supported Living Schemes</u>			
	<u>2016/17</u>	<u>2017/18</u>	<u>2018/19</u>
	<u>£'000</u>	<u>£'000</u>	<u>(Est)</u>
	<u>£'000</u>	<u>£'000</u>	<u>£'000</u>
213 Widmore Road	172	177	191
Lancaster House	207	212	215
Amplio House	323	360	416
Swingfield Court	560	589	564
Goldsmith Close	63	64	88
	1,325	1,402	1,474

- 9.2 Funding is available within the current ECHS budgets to contain the costs of these contracts.
- 9.3 The contracts are estimated to be in the region of £1,474k per annum (£10,318k over the whole life of the contract). The actual contracts may vary due to the number of service users and their particular needs. This is managed within the overall Supported Living budget of £12.5m.

10. IT AND GDPR CONSIDERATIONS

- 10.1 In consultation with the Information Assurance Officer a Data Protection Impact Assessment will be carried out throughout all stages of this procurement.

11. PROCUREMENT RULES

- 11.1 The Tender process will be undertaken in accordance with the Council's Financial Regulations and Contract Procedure Rules and in compliance with the requirements of the Public Contract Regulations 2015.
- 11.2 Health, social care and related services are covered by Schedule 3 of the Public Contracts Regulations 2015, and thus any tender would be subject to the application of the "Light Touch" regime (LTR) under those regulations.
- 11.3 To ensure compliance with the Public Contracts Regulations 2015, the following obligations will be undertaken:
- i) The tender will be advertised in OJEU.
 - ii) A Contract Award Notice must be published in OJEU at the end of the procurement.
 - iii) The procurement will comply with Treaty principles of transparency and equal treatment.
 - iv) The procurement must conform with the information provided in the OJEU advert regarding any conditions for participation; time limits for contacting/responding to the authority; and the award procedure to be applied.
 - v) Time limits imposed, such as for responding to adverts and tenders, will be reasonable and proportionate. There are no stipulated minimum time periods in the LTR rules, so contracting authorities should use their discretion and judgement on a case by case basis.
- 11.4 The tender process will be electronically using the Pro-Contract portal. In line with clause 65(1) of the Public Contracts Regulations 2015, a two stage restricted process will be used to determine the 'Top 6' providers who will be taken through to stage 2 of the tender process. These Providers will then undergo further evaluation using a quality (40%) / price (60%) matrix that has been developed over several years.
- 11.5 Quality is scored using award criteria based on how tenderers have answered questions and evidenced their answers, the questions are specific to the needs of the people in the schemes. There is further challenge, to ensure the provider is robust, through the use of interview panels which comprise experienced commissioners and service user representation; this may be a service user living in the scheme or a service user from elsewhere representing the tenant's views should this be more appropriate.
- 11.6 The outcome from the quality award criteria scoring is weighted and amalgamated with the financial scoring to determine the tenderer providing the best price / quality

compromise for the Council. This culminates in a recommendation to award that is presented to Members

12. LEGAL CONSIDERATIONS

12.1 This report seeks approval from the Executive on the procurement strategy to be adopted to tender for the provision of supported living services at 5 properties within the Borough.

12.2 The current contract is for a term of 5 years expiring on 11th January 2020. The annual value of the service is estimated as £1,474,000; aggregate cost of £10,318,000 for the proposed term of 5 years plus 2 years extension.

12.3 When considering the procurement strategy, the Council should have regard to its duties under the Equalities Act 2010 and the Public Sector (Social Value) Act 2012 and the Council’s Sustainable Procurement policy. The Public Contracts Regulations 2015 apply to this contract. The service being procured is ‘light touch’ and falls under Schedule 3 of the Regulations. The cumulative value of this contracts falls above the financial threshold for this regime therefore the procurement method to be adopted should comply with Section 7 of the Regulations whereby a Contract Notice or a Prior Information Notice must be published. The Council will also need to throughout the procurement process ensure that principles of transparency and equal opportunities of economic operators are upheld.

12.4 The Council’s Contract Procedure Rules must also be followed for this procurement. Rule 8 of the Council’s Contract Procedure Rules deal is relevant, pursuant to rule 8.2, contracts with an estimated value above EU thresholds and or £500,000 need to be advertised and the procurement strategy to be developed in discussion with the Head of Procurement and consultation with Director of Corporate Services and Director of Finance.

12.5 The report author will need to consult with the Legal Department regarding the contract terms and conditions.

Non-Applicable Sections:	HR Considerations
Background Documents: (Access via Contact Officer)	Not Applicable