

Decision Maker: Executive

With pre-decision scrutiny from Adult Care & Health Policy Development and Scrutiny Committee on 25th June 2019

Date: 10 July 2019

Decision Type: Non-Urgent Executive Key

Title: Contract Award: Mental Health Flexible Support Service

Contact Officer: Colin Lusted, Senior Strategic Commissioner
Tel: 020 8461 7650 E-mail: colin.lusted@bromley.gov.uk

Chief Officer: Kim Carey, Interim Director, Adult Social Care, Education, Care & Health Service

Ward: Not Applicable

1. REASON FOR REPORT

- 1.1 The contract for Mental Health Flexible Support Services expires on 30th September 2019. There are no further options to extend the current contract which has an annual value of £0.401m and cumulative spend over the life of the contract to 30th September 2019 of approx. £2.935m. On 28th November 2018, Executive approved the tendering of the service to enable the commencement of a new contract on 1st October 2019.
- 1.2 In accordance with the Council's financial and contractual requirements, this report sets out the results of the tendering process for the provision of the Mental Health Flexible Support Service and seeks Executive approval to award the contract. The report should be read in conjunction with the Part Two report 'Contract Award Mental Health Flexible Support Service'.
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2. RECOMMENDATION(S)

- 2.1 **Adult Care and Health PDS is asked to note the contents of this report when considering the recommendations in the Part Two report 'Contract Award Mental Health Flexible Support Service' that details the tender outcome.**
- 2.2 **Executive is recommended to:**
- i) **Note this summary when considering the recommendations in the Part Two report 'Mental Health Flexible Support Services' to award a contract**

commencing on 1st October 2019 until 30th September 2022, with the potential to extend for a further period of up to 2 years

Impact on Vulnerable Adults and Children

1. Summary of Impact: To ensure people with significant mental health illness are supported to remain living in the community and are able to avoid the need for intensive, high cost services.

Corporate Policy

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

1. Cost of proposal: Detailed in Part 2 Report over full contract term (3+2 years)
 2. Ongoing costs: recurring Cost. Detailed in Part 2 Report
 3. Budget head/performance centre: Mental Health Services
 4. Total current budget for this head: £573k
 5. Source of funding: Council's General Fund (within existing budget envelope)
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Staff

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: Contract Compliance Officer @ 20 hours per annum for monitoring
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Legal

1. Legal Requirement: <please select> Statutory Requirement
 2. Call-in: <please select> Applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): More than 84
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 The existing Mental Health Flexible Support Service (MHFSS) contract has been in place with Heritage Care since 2012 and will expire on 30th September 2019. There were no further options to extend the contract and so a procurement exercise has been undertaken following Executive approval of the recommendations in the Gateway Report on 28th November 2018.
- 3.2 A procurement process has taken place over the last 9 months in accordance with the timescales set out in the Gateway Report.
- 3.3 A joint Mental Health Strategy is being written with the CCG and the continued provision of a MHFSS will be a key element in delivering the objectives within it.
- 3.4 This report provides an overview of the service, explains why the tender was undertaken, outlines the process followed and provides the rationale for recommending award of the contract.

4. DESCRIPTION OF SERVICE AND SUMMARY OF THE BUSINESS CASE

- i) The MHFSS is a specialist service for adults with mental ill health that supports their independence and resettlement in the community following hospital discharge through the provision of floating support. It aims to move mental health service users away from reliance on hospital and residential care towards more cost effective services such as supported accommodation through targeted support to enable independent living.
- ii) The MHFSS requires a skilled workforce providing practical and emotional support, who are trained to understand the complexities of people with mental health illness. Support may range from assistance with bill paying to providing emotional support and guidance to people with significant mental health conditions. Outcomes from this type of intervention can include:
 - Support that avoids a person making multiple calls to emergency services
 - Assistance to ensure their vulnerability does not result in them becoming prey to others and becoming victims or perpetrators in criminal activity
 - Providing support to avoid dependency on drugs or alcohol
 - Assisting them to gain acceptance and maintain relationships with others in the community such as neighbours
 - Working with landlords and organisations such as banks and utility companies to ensure people do not fall into debt and become homeless

On occasions, floating support workers may provide personal care but their skill set and the training they receive is far beyond that which a conventional domiciliary care provider would be required to deliver.

- iii) The MHFSS ensures the Council meets its duties under the Care Act 2014, where there is a requirement that people will be supported to remain living within the community and it also enables the Council to be compliant with the Mental Health Act 1983 in relation to hospital discharges. The key objective is to provide an effective, timely and flexible response to the needs of service users to enable their rehabilitation and wellbeing.

- iv) The current contractor, Heritage Care, have provided services to a high standard over the past 7 years. The contract was originally let on a block basis of 500 hours per week but this was reduced some years ago as the Council could not always utilise all of the funded hours. The new tender has been undertaken using a part block / part flexible basis to enable the Council to benefit from the economies of scale of block provision whilst reducing the likelihood of there being underutilised hours.

5 CONTRACT AWARD RECOMMENDATION

5.1 **Recommended Provider: Please see Part Two report**

5.2 **Estimated Contract Value: Please see Part Two report**

5.2 **Other Associated Costs** – Contract monitoring and management: Approx. £6kpa

5.3 **Proposed Contract Period** – 3 Years with the option to extend for a further 2 years (3+2)

5.4 The tender process was undertaken in accordance with the recommendations set out in the Gateway Report approved by Executive on 28th November 2018. Market and stakeholder engagement was undertaken in January 2019 and outcomes from these events resulted in the Chief Officer, in consultation with the Portfolio Holder, deciding to tender the service on a part fixed / part variable hours basis.

5.5 The tender was undertaken electronically using the ProContract system with bidders being required to submit both Stage 1 (SQ) and Stage 2 responses together.

5.6 The tender scoring was undertaken using the Council's standard 60:40 price / quality split and the results were fed into the Chartered Institute of Public Finance & Accountability (CIPFA) model to establish the successful bid.

5.7 The contract specification set out the requirements upon providers and the intended outcomes for users of the service. Contract performance and service user outcomes will be robustly measured by the Contract Compliance Team in conjunction with Commissioners through a combination of inspections and KPI and Outcome returns from the provider (Please see Appendix 2 detailing KPI requirements in the specification).

5.8 The specification explained how the provision of community based support is seen as a key element in meeting the Council's statutory duties whilst developing community based support and preventing the need for more expensive accommodation / health based provision. The questions, used to evaluate quality as part of the tender submission, were aligned with the Education, Care & Health Services Priorities.

6 MARKET CONSIDERATIONS

6.1 The existing provider has been responsible for the provision of the MHFSS during the past 7 years. In order to regenerate interest for providers to work in Bromley a market engagement event was held in January.

6.2 The event was advertised in various media and was very well attended with approximately 25 providers fielding staff. The event contained a mix of presentations by key staff from the Council and the CCG so that providers would understand Bromley's direction of travel and the tender opportunity. The event also required

providers to participate in group sessions that would be used to help inform the most appropriate method of tendering.

- 6.3 Providers were invited to share their knowledge and experience of working with other councils and it became clear during the event that they were looking for some assurance in terms of potential business before they would be willing to commit to setting up a service here. Their appetite to be part of a framework was explored but they explained that they require guaranteed hours to ensure the recruitment and retention of consistent support staff who are able to build relationships and trust with the people they support.
- 6.4 The information from the market engagement was shared with Chief Officers and influenced the decision to tender the service on a part fixed / part flexible hour basis rather than attempting to set up a framework.

7. STAKEHOLDER ENGAGEMENT

- 7.1 Stakeholders were contacted during December 2018 as part of the tender process. Service users, social workers and healthcare professionals were advised of the requirement to retender the service and were invited to answer a questionnaire that would be used to inform the stakeholder engagement event and the tender process.
- 7.2 The stakeholder engagement event took place in January and, as with the market engagement event, was structured as a mix of information giving and data gathering via group sessions. A number of service users attended the event and there was also representation from Experts by Experience (X by X).
- 7.3 The responses from attendees were collated and some key messages emerged, particularly from current service users. The service users thought highly of the support they receive from the current provider and it became very clear that the relationship their carers had built with them was a key element in their improved mental health and positive engagement within their communities.
- 7.4 The feedback from the stakeholder engagement event highlighted that consistency of care and trust building was a crucial factor in supporting people with mental health issues.
- 7.5 The MHFSS will continue to be operated by an external organisation, so there will be minimal impact upon internal Council systems or stakeholders. The Council's Monitoring Team will be required to monitor the service and attend quarterly contract management meetings with the provider and the responsible commissioner.

8. SUSTAINABILITY AND IMPACT ASSESSMENTS

- 8.1 There are no sustainability or impact related issues that would result from the recommendation within the paper.

9. POLICY CONSIDERATIONS

- 9.1 The provision of the MHFSS is in accordance with the Care Act 2014. The provision of specialist MH floating support within the community is a fundamental element of community based services detailed within the Care Act.

- 9.2 The Building a Better Bromley principles underpin the strategy and look to enable people within their communities. Community based specialist provision is in alignment with this goal.

10. IT AND GDPR CONSIDERATIONS

- 10.1 The tender has been evaluated and undertaken in accordance with current GDPR considerations. There are no internal IT considerations as the service is contracted with external organisations.

11. PROCUREMENT RULES

- 11.1 This report seeks to award the Contract for Mental Health Flexible Support Services for a period of three years with the option to extend for a further period of up to two years.
- 11.2 The Service is covered by Schedule 3 of the Public Contract Regulations 2015 and thus, the procurement was undertaken in accordance with the 'Light Touch' Regime of those regulations.
- 11.3 The tender process has been carried out in line with the requirements of the Public Contract Regulations 2015 and the Council's Contract Procedure Rule 8.2.1.
- 11.4 Following the decision, an OJEU Award Notice will be issued and, as the Contract value is over £25,000, an award notice will be published on Contracts Finder. A mandatory Standstill Period will be observed in accordance with the Regulations.
- 11.5 The actions identified in this report are provided for within the Council's Contract Procedure Rules, and the proposed actions can be completed in compliance with their current content.

12. FINANCIAL CONSIDERATIONS

- 12.1 The financial implications are detailed within the accompanying Part 2 Report.

13. PERSONNEL CONSIDERATIONS

- 13.1 There are no internal staffing implications resulting from this tender as it is fully contracted with external organisations.

14. LEGAL CONSIDERATIONS

- 14.1 This report seeks to award the Contract for Mental Health Flexible Support Services for a period of three years with the option to extend for a further period of up to two years (Please see the accompanying Part Two report for further details).
- 14.2 A compliant procurement process has been undertaken as detailed in Section 5 and 11.
- 14.3 In addition the report is seeking permission to also provide a delegation to the Director (see Recommendations) to extend the Contract for a period of up to 2 years. The tender process and the contract provide for this extension. However, it should be

noted that at this time the contract has not yet been awarded. It would therefore be appropriate for the delegation to be exercised by the Director if appropriate and in accordance with contractual requirements.

Non-Applicable Sections:	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	CS18181 PROCEEDING TO PROCUREMENT (GATEWAY 1): MENTAL HEALTH FLEXIBLE SUPPORT SERVICE https://cds.bromley.gov.uk/documents/s50064801/Executive%20281118%20Mental%20Health%20Report.pdf

	KPI	Target	Monitoring Method
1	Service users (over 40) who have already had or have undertaken an NHS health check within 12 weeks of service start	90%	Monthly returns & quarterly contract monitoring
2	Service users will receive a support plan within 14 days of acceptance to the service	100%	Monthly returns & quarterly contract monitoring
3	% of Service Users who will receive a needs assessment within 14 days of acceptance into the service	100%	Monthly returns & quarterly contract monitoring
4	% of referrals accepted and support offered, (Reasons for refusals to be discussed at Quarterly monitoring)	>90%	Monthly returns & quarterly contract monitoring
5	% of Service Users will receive an exit interview undertaken by the Provider.	100%	Monthly returns & quarterly contract monitoring
6	% of service users with an up to date care plan	100%	Monthly returns & quarterly contract monitoring
7	% of service users who are readmitted to inpatient care (based upon total number being supported over the preceding 12 months)	< 10%	Monthly returns & quarterly contract monitoring
8	% of service users engaged in social recreational or physical activity	75%	Monthly returns & quarterly contract monitoring
9	Number of service users (who smoke) who attended smoking cessation programme	75%	Monthly returns & quarterly contract monitoring
10	% of staff receiving mandatory refresher training	100%	Contract compliance visit
11	% of appropriately trained and assessed as competent staff available to meet the health and medication needs of the clients	100% of time	Contract compliance visit
12	Ensure that all safeguarding and serious incidents are reported in accordance with national and local guidance.	100% mandatory	Quarterly Contract monitoring report
13	Ensure that all safeguarding and serious incidents are reported within 24 hours to the Contract Compliance Team	100% mandatory	Quarterly Contract monitoring report
14	Level of client and/or their representatives satisfaction with the service as reflected in the Annual Survey.	>90% satisfied	Contract monitoring report – annual survey
15	Number of complaints resolved to the satisfaction of the complainant	95%	Quarterly Contract monitoring report
16	Compliance with Deprivation of Liberty guidance & Procedures	100%	Contract compliance visit