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**Decision Maker:** PORTFOLIO HOLDER FOR ADULT CARE AND HEALTH

**Date:** 22<sup>nd</sup> January 2020

**Decision Type:** Non-Urgent Non-Executive Key

**Title:** PROCEED TO PROCUREMENT: SERVICES FOR THE BLIND AND PARTIALLY SIGHTED

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Commissioning Development Officer

**Chief Officer:** Kim Carey  
Interim Director of Adult Social Care

**Ward:** All Wards

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1. Reason for report

- 1.1 The Council has a contract in place with Kent Association for the Blind (KAB), a local voluntary sector organisation, to provide a range of services to visually impaired adults in Bromley.
- 1.2 The current contract commenced in July 2016 for a two year and three month period, with the option to extend for up to a further two years on a 1+1 basis. The second and final contract extension is due to finish on 30th September 2020.
- 1.3 Because the current contract therefore finishes on 30<sup>th</sup> September 2020 the aim of this report is to seek permission to proceed with a new procurement.

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2. **RECOMMENDATION(S)**

- 2.1 The Portfolio Holder for Adults, Care and Health is recommended to approve the decision to proceed with a new procurement for the period 1<sup>st</sup> October 2020 to 30<sup>th</sup> September 2024 with the option to extend for a further two years.

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### Corporate Policy

1. Policy Status: Existing Policy
  2. BBB Priority: Supporting Independence
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### Financial – See Part 2

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### Personnel

1. Number of staff (current and additional): N/A
  2. If from existing staff resources, number of staff hours: N/A
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### Legal

1. Legal Requirement: Statutory Requirement
  2. Call-in: Applicable
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 1200, which is similar to the national average. The Royal National Institute for the Blind (RNIB) predicts a 21% increase in people with sight loss living in Bromley in the next 10 years.
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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 Kent Association for the Blind (KAB), a voluntary sector organisation for the provision of services for people with a visual impairment, was established in 1920 and is a registered charity which provides support services to adults and children in Bromley who have a visual impairment.
- 3.2 In Bromley the number of adults between the ages of 18 and 64 years of age with a serious visual impairment is 130, predicted to rise to 135 by 2020. In the older age groups (over 65 years) there are larger numbers of people with moderate or severe visual impairment - 5,250 (predicted to rise to 5,416 by 2020). Age related macular degeneration is the most common cause of registrable sight loss in older people.
- 3.3 The Care Act 2014 includes a statutory requirement for the continuation of the sight impairment registration process, needs assessment and rehabilitation planning. Schedule 2 of the 1989 Childrens Act requires local authorities to keep registers of disabled children, which must include children with sight impairments. As at September 2019 there were 1137 people on the statutory sight register in Bromley.
- 3.4 The London Borough of Bromley and KAB has a long standing partnership, working together to provide services to visually impaired adults. Through the partnership arrangements, KAB carry out statutory care management duties and rehabilitation services on the Council's behalf for all adults with a visual impairment. KAB works closely with the Council's adults and children's Social Care teams, providing specialist support to social work staff, together with the provision of training and support planning for children in transition to adult services.
- 3.5 The main delivery elements of the contract with KAB are:
- the provision of specialist statutory needs assessments for visually impaired adults;
  - rehabilitation planning for adults with a visual impairment
  - maintaining the statutory register for people who are blind or partially sighted.
- 3.6 The key outcomes expected to be achieved for adults with visual impairment, through the current contract are as follows:
- Improved health and emotional wellbeing
  - Improved quality of life
  - Increased choice and control
  - Freedom from discrimination and harassment
  - Economic wellbeing
  - Personal dignity and respect
  - Making a positive contribution
- 3.7 The contract also covers the following services:
- Provision of rehabilitation;
  - Mobility training;
  - Provision of equipment;
  - Ensuring access to services provided by the Contractor, the Council and other agencies;
  - Utilisation of volunteers to provide low level ongoing preventative support;
  - Information, advice and guidance

## 4. SUMMARY OF THE BUSINESS CASE

- i) The contract continues to deliver the agreed outcomes and outputs and supports the Council in the delivery of its statutory duties. However as there is no extension option in the current contract and there are other potential providers, there is a need to expose the contract to competition and to engage in a new procurement.

### 4.1 SERVICE PROFILE/DATA ANALYSIS

- 4.1.1 Details from monitoring returns of 2019/20 delivery are set out at Appendix 1 in Part 2. Delivery levels for 19/20 so far are similar to 18/19 which had increased slightly on previous years which reflects ongoing performance. KAB is considered by monitoring officers to be providing an effective and efficient service in all areas of the contract. There have been 35 new registrations within quarter one and 219 rehabilitation interventions in this period. Additionally 330 pieces of equipment have been supplied to 65 service users. Whilst there are no specific KPI's, KAB appear to meeting the outcomes of Bromley service users. Appendix 1 details both volume of activity in 2019/20 and the range of activities delivered this year, whilst the case study provided illustrates that the service is meeting outcomes for the service user, such as improved the quality of life and has increased the choice and control.

### 4.2 OPTIONS APPRAISAL

- 4.2.1 The following options have been considered:

- 4.2.2 **Decommissioning the service and not re-tender:** this option is not recommended as the service meets the Council's statutory duties for visually impaired adults under the Care Act. These duties will need to be met in some form and alternative options, other than in-house delivery, are not readily available.

- 4.2.3 **Retendering the contract:** a soft market testing exercise has been completed in 2019 which suggests that there are other voluntary sector organisations which may be able to offer the service required. KAB are a well-established provider with links to the local service and voluntary community built up over many years. They deliver from local premises and provide a range of complimentary services, funded from other sources, in addition to the contract. However as there is no extension option and there are other potential providers, there is a need to expose the contract to competition. This is therefore the recommended option.

- 4.2.4 **Extending the contract:** there is no remaining formal extension built into the contract and as there are other potential providers, the contract must be retendered to expose to competition.

### 4.3 PREFERRED OPTION

- 4.3.1 The preferred option is to retender the contract for a four year period with a two year extension option, commencing 1<sup>st</sup> October 2020.

### 4.4 MARKET CONSIDERATIONS

- 4.4.1 A soft market testing exercise has established that there are other potential voluntary sector organisations around London, along with KAB, providing services for the visually impaired. The market testing shows that local boroughs have, or are considering, contracts with three other

voluntary sector organisations. Therefore in line with the Council’s policy, it is necessary to expose the contract to competition.

4.4.2 Many London boroughs provide the visual impairment service in house, but report challenges in recruiting and maintaining these members of staff. This is not something being considered by Bromley at this time.

## 5. STAKEHOLDER ENGAGEMENT

5.1 A stakeholder engagement event will be held prior to the tender process.

## 6. PROCUREMENT AND PROJECT TIMESCALES AND GOVERNANCE ARRANGEMENTS

6.1 **Estimated Contract Value** – See part 2

6.2 **Other Associated Costs** – None Identified

6.3 **Proposed Contract Period** – 1<sup>st</sup> October 2020 – 30<sup>th</sup> September 2024 (Plus two year extension)

6.4 **Procurement Strategy and Contract Proposal:** This report is seeking authorisation to proceed with a new procurement for the period of four years commencing on 1<sup>st</sup> October 2020 to 30<sup>th</sup> September 2024 with the option to extend for a further two years..

6.5 **Indicative timetable for the Procurement of the new Sight Impairment Contact:** The following procurement timetable is proposed:

Early January 2020	Undertake engagement event
End February 2020	Finalise Tender documents
Mid-March 2020	Advertise Tender Opportunity on ProContract
End April 2020	Closing date for return of bids
May – June 2020	Evaluation of bids & undertake supplier interviews
1 <sup>st</sup> July 2020	Officer Sign off
Mid-July – End September 2020	Contract Mobilisation
1 <sup>st</sup> October 2020	Contract Commencement

6.6 The contract specification will be informed by the market engagement and current provider performance.

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%).

## 7. SUSTAINABILITY AND IMPACT ASSESSMENTS

7.1 The recommendation is in alignment with the Council’s vision of helping people to maximise their independence, to remain healthy and safe in their own home for as long as possible, and put wellbeing, choice and dignity at the heart of social health and care in Bromley.

- 7.2 The government is aiming to transform the way public services are planned, commissioned and delivered. The Care Act aims to make services more preventative, personalised and to deliver better outcomes for people who use services. There is a statutory requirement for the continuation of the sight impairment registration process and rehabilitation programmes.
- 7.3 The Bromley Joint Strategic Needs Assessment reported that the UK population is ageing, and it is projected to continue to age over the next few years with the fastest population increases in the numbers of those aged 85 years and over. This is the age group more at risk of eye disorders causing vision impairment. Sight loss impacts on many different levels and can be a traumatic event which can have an impact on health such as depression, risk of falls and isolation. Evidence suggests there is a strong link between sight loss and people's well-being particularly among older people who develop sight loss in later life.
- 7.4 A case study, outlining the impact and outcomes of the KAB service, is included at Appendix 1.
- 7.5 No groups are considered to be disadvantaged by the proposals in this report. An EIA (Equality Impact Statement) has been completed.

## **8. POLICY CONSIDERATIONS**

- 8.1 The Council's objective is to support people to maximise their independence, to remain healthy and safe in their own home for as long as possible, and put wellbeing, choice and dignity at the heart of social and health care in Bromley. The proposals in this report are in accordance with the Council's Building a Better Bromley priority of Supporting Independence.
- 8.2 The proposal is in accordance with the requirements set out in the Care Act 2014 and Schedule 2 of the Childrens Act 1989.
- 8.3 The UK Vision strategy was revised and developed in 2013 and launched the 'seeing it my way' outcomes framework outlining ten outcomes that visually impaired people say are important to them. KAB has applied these outcomes as well as the sight loss pathway in the planning of health and social care needs. This ensures that the service enables people with a sight loss get the right support at the right time and see the right person. KAB has reflected these outcomes into key themes which are demonstrated in the Care Act and within the London Borough of Bromley's Care Services Portfolio Plan. These are:
- Emotional Wellbeing
  - Independent Living
  - Social Inclusion
  - Economic Security.

## **9. IT AND GDPR CONSIDERATIONS**

- 9.1 The existing contract requires the provider to operate in accordance with the requirements of GDPR legislation and going forward any provider will be subject to the same requirements.

## **10. PROCUREMENT RULES**

- 10.1 This report seeks approval to proceed to procurement on the retendering of the Contract for Services for the Blind and Partially Sighted for the duration of four years with the option to extend for a period of two years

- 10.2 Health, social 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. Authorities have the flexibility to use any process or procedure they choose to run the procurement, as long as it respects the following obligations:-
- I. The Tender must be advertised in OJEU and on Contracts Finder;
  - II. The relevant contract award notice(s) must subsequently be published
  - III. The procurement must comply with EU 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, must 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.
- 10.3 The Council's specific requirements for authorising proceeding to procurement are covered in 1.3 of the Contract Procedure Rules with the need to obtain the formal Agreement of the Director of Corporate Services, Director of Finance and Assistant Director of Governance & Contracts, and Approval of the Portfolio Holder for a procurement of this value.
- 10.4 In compliance with the Council's Contract Procedure Rules (Rule 3.6.1), this procurement must be carried out using the Council's e-procurement system.
- 10.5 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 content.

## **11. FINANCIAL CONSIDERATIONS**

- 11.1 Financial considerations are included in the Part 2 report.

## **12. PERSONNEL CONSIDERATIONS**

- 12.1 There are no staffing implications for Bromley Council as all staff will be employed by the provider.

## **13. LEGAL CONSIDERATIONS**

- 13.1 The current contract for the delivery of the services is due to end on 30 September 2020. This contract assists the Council in discharging its statutory requirements under the Care Act 2014 – see Section 3. This report seeks approval to proceed to procurement on the retendering of the Contract for Services for the Blind and Partially Sighted for the duration of four years with the option to extend for a period of two years. The contract is to commence 1 October 2020.
- 13.2 The services required are classed as health, social and related services and 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 as detailed in Section 10.
- 13.3 The Council's Contract Procedure Rules require permission –Section 1.3 to commence a procurement process for a contract of this value together with other requirements as detailed in Section 10.4.

The proposed procurement process can be approved and proceed.

<b>Non-Applicable Sections:</b>	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	[Title of document and date]