
Decision Maker:	LEADER OF THE COUNCIL With pre-decision scrutiny from Children Education and Families Policy, Development and Scrutiny Committee on 10th November 2020		
Date:	25 November 2020		
Decision type:	Non Urgent	Executive	Key
Title:	CHILDREN'S COMMUNITY WELLBEING (CAMHS) CONTRACT AWARD		
Contact Officer:	Daniel Devitt, Interim CAMHS Commissioner Tel: 020 8313 3036 E-mail: daniel.devitt@bromley.gov.uk		
Chief Officer:	Janet Bailey Director of Children's Services Email: Janet.Bailey@bromley.gov.uk		
Ward:	All		

1. Reason for report

- 1.1 The mental health and emotional wellbeing of children is as important as their physical health. Good mental health allows children and young people (CYP) to develop the resilience to cope with whatever life throws at them and grow into well-rounded, healthy adults. This statutory service has been procured to ensure that Bromley's children and young people are supported with a service that promotes, supports and protects positive mental health and wellbeing.
- 1.2 The current service is delivered by Bromley Y who have held the contract for the service since 2014. The existing contract had reached its maximum number of extensions, with the final extension ending in March 2021, necessitating the procurement of the new service. On 10th July 2019 2019, Executive gave approval to proceed to procurement of the community mental health and wellbeing service, to enable continuity of provision via a new contract with revised specification from 1 April 2021 as detailed in Gateway Report ECH 19067¹
- 1.3 In accordance with the Council's financial and contractual requirements, this report sets out the results of the tendering process and seeks Executive approval to award the contract. The report should be read in conjunction with the accompanying Part 2 Report.
- 1.4 Part 2 of the report contains commercially sensitive information and is not publicly available.

2. **RECOMMENDATION(S)**

¹ See: <https://cds.bromley.gov.uk/ielssueDetails.aspx?IId=57719&Opt=3&AIID=57668>

2.1 The Leader of the Council is recommended to:

- i) Award the Contract for the provision of the Bromley CYP Mental Health and Wellbeing Service as detailed in the accompanying Part 2 Report. The proposed contract will commence on 1st April 2021 for a five-year period with the option to exercise the two possible extension periods not exceeding 4 years (2 years + 2 years).

Impact on Vulnerable Adults and Children

1. Summary of Impact: Procurement of a service to support the mental health and emotional wellbeing of Bromley's Children and Young people through a range of statutory and non-statutory services with an emphasis on prevention
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Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Supporting Our children and Young People, Healthy Bromley
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Financial

1. Cost of proposal: Detailed in Part 2 Report
 2. Ongoing costs: Detailed in Part 2 Report
 3. Budget head/performance centre: 834130 People Department, Children's Social Care and Education
 4. Total current budget for this head: £470k
 5. Source of funding: Integrated Commissioning (Core Funding and co-funding agreement with NHS South East London CCG (Bromley))
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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
 2. Call-in: Applicable
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Procurement

1. Summary of Procurement Implications: The procurement was undertaken in compliance with the requirements of the Public Contracts Regulations 2015.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Mental Health and Wellbeing Support offer to approx. 2900 CYP, parents and carers per annum with additional support to Education, NHS and voluntary and community sector providers in the borough.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 The existing community mental health and wellbeing service has been in place with Bromley Y since 2014. There were no further options to extend the contract and a procurement exercise has been undertaken following Executive approval of the recommendations set out in the Gateway Report No. ECH19067 on 10th July 2019.
- 3.2 An open procurement and tender process has taken place over the last six months in accordance with the timescales set out in the Gateway Report. This report details the outcome of the tender process.
- 3.3 The Council supports and prioritises the mental health and wellbeing needs of Bromley CYP, Parents and carers. A close alignment with NHS South East London Clinical Commissioning Group (Bromley) has enabled an effective and holistic approach to the Integrated commissioning strategy informing this work. This enabled significant and rapid consultation across LBB and CCG systems to inform the refresh of the service specification, refinement of the focus on priority cohorts of vulnerable CYP and supported the technical procurement processes across both partners and meet the current and future needs of Mental Health and wellbeing needs of Bromley CYP.

4. DESCRIPTION OF SERVICE AND SUMMARY OF THE BUSINESS CASE

- i) The current contract with Bromley Y to deliver a Community Wellbeing Service for Children and Young People reaches the end of its maximum extension on the 31st March 2021. Authorisation to proceed with a procurement of a new community mental health and wellbeing service for CYP to ensure continuity of provision of service was received in November 2019 and works commenced on the design of a new specification and planning for the procurement approach.
- ii) On 17th July 2020 a competitive procurement, utilising a “Light Touch” and Office of the Journal of the European Union complaint process of a new contract opportunity was launched. At its heart lies a radically refreshed and revised specification that seeks to address the major changes in CYP mental health since 2014 and provide a degree of future proofing for future service developments. This is in response to both the future challenges of the mental health and wellbeing agenda, the need to achieve better outcomes for local children and young people within limited financial and clinical resources and the ongoing requirement to deliver in the context of the Covid 19 pandemic.
- iii) A close alignment with NHS South East London Clinical Commissioning Group (Bromley) (CCG) has enabled an effective and holistic approach to an integrated commissioning strategy that has informed the work. This enabled significant and rapid consultation across LBB and CCG systems to inform the refresh of the service specification, refinement of the focus on priority cohorts of vulnerable CYP and supported the technical procurement processes across both partners. Alongside this there has been a shared response between LBB and the CCG to financing the service at broadly current levels, agreeing the contract model – based on the NHS Short Form contract -, and agreeing the revised specification and clinical model.
- iv) The CCG have added additional support for the funding of additional interim Mental Health and Wellbeing Commissioning expertise in the form of an external consultant acting as Interim CAHMS commissioner. Line management of an external consultant with subject matter expertise has been via an integrated approach with direct line management by LBB Commissioning and reporting feeds into the Integrated Commissioning Board. The interim support has been extended to March 2021 to support the ongoing processes connected to this contract award.
- v) Engagement with local children and young people and their families over the last five years has led to the design of a new specification which has at its heart a new delivery paradigm, drawn from the “Thrive” model developed by the Anna Freud Centre². Significant CYP, Parent carer and wider system engagement opportunities are included in the contractual and outcomes framework supporting the service, including and annual co-produced Service Iteration Plan.
- vi) The core purpose of the service is to ensure that children and young people in Bromley are supported to maintain good emotional and mental wellbeing with their needs being met at the very

² See <https://www.annafreud.org/mental-health-professionals/improving-help/thrive-framework/>

earliest opportunity. The service will work in an embedded, positive and integrated partnership with NHS Mental Health services (specifically at the time of writing Oxleas NHS Foundation Trust (CAMHS)) to provide a single service offer across specialist and universal mental health and emotional wellbeing provision for children and young people. Where more urgent complex mental health and emotional wellbeing needs or crisis support is required, this will be provided quickly and effectively as the CYP are supported into services that can meet their needs. The service will also champion children's emotional wellbeing and mental health across Bromley, leading a resilient system of mental health and wellbeing provision that includes partnerships with schools, primary care, voluntary sector provision, social care and community health.

- vii) Building upon existing delivery across Bromley and drawing from National, Regional, and Local best practice the service will operate within a rapidly evolving children and young people's mental health and wellbeing policy and operational context and adapt to the specific demands of the London Borough of Bromley.
- viii) The specification aims to ensure that children, young people and families are presented with a robust offer that drives early assessment of need, effective early intervention support, prevention of exacerbation, and rapid access to specialist Child and Adolescent Mental Health Services where needed. Key features include:

1 Single Point of Access with a No Wrong Door philosophy for all CYP, parent and carers, health education and social care professionals. The service will coordinate the single point of access into CYP mental health and wellbeing services in partnership with NHS Oxleas (CAMHS), who will be an equal partner in the delivery of this service.

2 A focus on Early Intervention, Prevention and Resilience enabling support with brief interventions to mitigate exacerbations with different offers available across the "Life course" from 0 to 25 (depending on status set out in section 1.36 and elsewhere and the acceptance of Service Iteration Plans to attain the NHS Long Term Plan extended agree range goal).

3 Rapid access to onward assessment and treatment to Tier 3 mental health services where required. The service will work in partnership with NHS Oxleas (CAMHS) to deliver a single seamless pathway through services across the emotional wellbeing and mental health service and also into more specialist CAMHS provision in Bromley.

4 A focus on the needs of vulnerable cohorts of CYP: Including Neurodiverse CYP (those with Autism and or with Learning Disabilities), Continuing care needs or Physical disability, Life Limiting conditions, Bereavement, Looked After Children, Asylum Seekers and Refugees, CYP from BAME communities, LGBTQ CYP, Young Carers, Long Term Conditions – with links into holistic physical/emotional health and wellbeing, CYP at risk of /known to the Justice system/Youth Offending, and CYP with substance misuse issues.

- ix) Given the wider range (referenced in point 4 above) of potential needs, complexity and commissioning arrangements that could be relevant, the multidisciplinary and multi-agency SPA (See SPA above) will ensure that initial support and assessment is available to all children with onward referral into specialised provision, with ongoing support or liaison with other specialist services where this is more appropriate given the range of NHS specialised pathways, services and funding streams associated with provision for specific groups of CYP, needs, presentations and conditions.
- x) The new specification has been drafted to meet existing, new and emerging policy and procedural requirements for mental health and wellbeing in CYP. In summary it is more sustainable, more focused on prevention, earlier interventions, resilience and recovery, rather than over reliance on over medicalising the local care offer. It seeks to both ensure that CYP are well supported when their needs do not require extensive clinical service support, but if they do, that this support is more quickly and efficiently delivered to them.
- xi) The new specification aims to introduce a robust mechanism for service development and co-production arrangements to ensure that it can evolve in line with future local trends and strategic developments. An annual Service Iteration (SIP) will assist commissioners understand the development needs and operational issues and potentials for the service. It is a tool through which the provider can focus the Voice of CYP, Parents carers and professional stakeholders to inform the development of the local offer. It must, crucially, involve CYP (both those who are resident

within the borough and outside as with CLA in external placements), and other vulnerable cohorts of children and young people. The initial SIP will focus on the development of the service offer for *all young people to the age of 25* and transition into adult services by 2023/24. This will include CYP with SEND needs, Children Looked After and Care Leavers. The SIP must be presented to Commissioners with the Annual report on 31st May 2022.

- xii) The Anna Freud THRIVE model moves the service away from a tiered model to a needs-based model as shown in figure 1 below.
- xiii) The Community Wellbeing contract has evolved considerably from its inception in 2014, and accordingly the contract for the new service was refreshed to reflect the service variations that were required since then. This included the inclusion of significant contractual insertions for service lines that had been separately commissioned by the CCG. The existing service is funded by both LBB and the CCG to maximise available resources and realise the benefits of a joint commissioning approach to improving service outcomes and sustainability. The current contract value is £464k for the 2020/21 financial year. Council investment in the Service has been consistent throughout the life of the contract, however, in order to address the increasing demand for CAMHS support across the whole system, Bromley CCG has been making increasing investment in the Service CCG to address specific priority areas or policy developments since 2014.
- xiv) The Tender was offered on a fixed price basis and bidders were required to submit a pricing schedule across a five-year period detailing the annual costs of service delivery including uplift factored into their baseline assumptions. As a result, no inflationary uplifts are associated with the contract. Potential service costs arising out of commissioner approved service iteration plans will be assessed if and when they arise, though the overall contract is explicit on making such developments cost neutral.
- xv) The service works alongside the local clinical mental health services for children and young people commissioned by Bromley NHS CCG (CCG) and delivered by NHS Oxleas. The annual contract value is for the Oxleas service range is £2.7m.

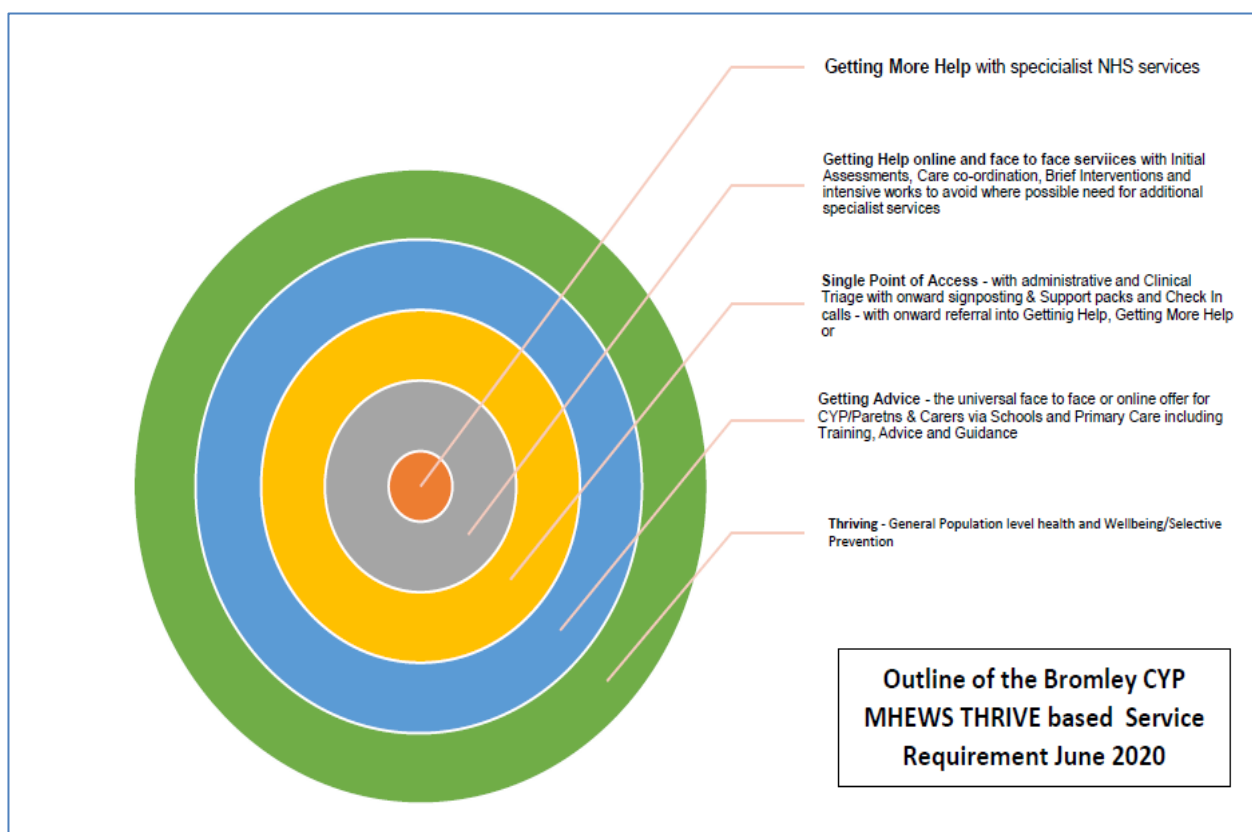


Fig 1 The Thrive Model – Bromley CYP MHEWS THRIVE based Service requirement June 2020.

5. CONTRACT AWARD RECOMMENDATION

- 5.1 **Recommended Provider:** Please see Part 2 Report
- 5.2 **Estimated Contract Value (annual and whole life)** – Please see Part 2 Report
- 5.3 **Proposed Contract Period** – 5 years with the option to extend for a further 2 years (5+2+ 2).
- 5.4 The tender process was undertaken in accordance with the recommendations set out in the Gateway Report approved by Executive on 10th July 2019. The consultation and engagement process informed the development of the service specification.
- 5.5 In line with 18.10 of the Contract Procedure rules, and following on from Market Testing intelligence (See Section 6.1 below) the Director of Corporate Services and the Director of Finance have been consulted and a Performance Bond was not required.
- 5.6 The tender was undertaken electronically using the Pro-Contract portal with bidders being required to submit both Stage 1 (SQ) and Stage 2 responses together, in accordance with the Public Contracts Regulations 2015 (Light Touch Regime).
- 5.6 Evaluation of the bid was undertaken using the Council's standard split of 40% quality and 60% price. The results were then fed into the evaluation matrix based on the Chartered Institute of Public Finance & Accountancy (CIPFA) Evaluation Model.
- 5.7 The evaluation of the bidder's response to the price (60%) and quality (40%) was undertaken against the following criteria and weightings:

Question	Criteria	Possible Marks	Weightings
Pricing schedule entered into matrix		60	60% out of 60%
Quality Questions		Marks out of 40/ weighting out of 100%	
1	Description and Delivery of Service and CYP Engagement	10	25%
2	The Single Point of Access and Referral and Assessment Process	5	12.5%
3	System Level Training & Support Offer	5	12.5%
4	Information Governance and Security	5	12.5%
5	Financial Resources and Contract Affordability	5	12.5%
6	Service Delivery Scenarios – Case Studies	5	12.5%
7	Service Delivery Scenarios – Case Studies evaluated by Children in Care /Care Leavers	5	12.5%
Sub Total:		40	100%

- 5.8 The tender was evaluated on the response to questions in accordance with the Public Contract Regulations 2015. The results of the evaluation process are detailed in Part 2 Report.
- 5.9 The contract specification sets out the requirements upon providers and the “commissioning for outcomes stance” from the Integrated Commissioning function in the Bromley system. Contractual outcomes and other metrics will be robustly captured by the commissioners through the NHS Short form contract mechanisms. An indicative outcomes and KPI set will be refined over the mobilisation period (from requested award of the contract in late November to Go Live in April 2021) and agreed prior to the commencement of the service.

6. MARKET CONSIDERATIONS

- 6.1 At an early stage of development, the Integrated Commissioning function of LBB and the CCG determined that the services being procured could be provided by either Statutory or Private Sector health providers, Small to Medium scaled Enterprises or the Voluntary and Community Sector. Given this consideration the Director of Corporate Governance and Director of Finance were consulted with and the requirement for a Performance Bond was waived under section 18.10 of the Contract Procedure Rules.
- 6.2 Market assessment activities have reflected the diversity of provision and focussed on the relevant activities of a mix of National, Pan London and Local providers involved in the delivery of (or expressing a clear interest in developing) community Mental Health and Wellbeing Services for Children and Young People. Given the ongoing pandemic this research was necessarily desk based. A specific Market Testing Webinar planned for late June 2020, was cancelled given issues with the context of the Covid 19 pandemic, and time available under the adopted procurement regime.
- 6.3 Reports from national and regional sources including Lang Buisson, the Kings Fund, Health Foundation and Nuffield Trust who have ensured the offer was developed in a way that incorporated and responded to the market for community MHEW service provision. Key amongst this was the shift of provision, and therefore the arrangement of providers to a more prevention and resilience orientated stance which was confirmed by a number of one to one conversations with providers across London and the south east including NHS Trusts, major third and private sector providers. In addition, there was a programme of an engagement across the NHS futures Collaborative online workspace, Healthy London Partnership Mental Health system, and direct contact with all South East London, North Central London, North East London and most North West London commissioners to gain a sense of market trends and commissioning activities. (See Part 2)
- 6.4 The Bromley CYP MHEW Service and market posture of the procurement is in keeping with the macro and micro economic trends and strategic direction of travel towards community based early intervention, resilience focussed preventative model.

7. STAKEHOLDER ENGAGEMENT

- 7.1 Bromley has been conducting highly valued service user engagement exercises over recent years that have directly driven the refresh of the specification. (See Part 2 for a summary of these activities and the specific impacts on the design of the revised specification.)
- 7.2 Stakeholders from the local authority and health system were engaged with to help shape of the new service specification and inform and participate in the tender evaluation process.
- 7.3 Alongside this the Bromley Living in Care Council (LinCC) and Change for care leavers (CfCL) provided 9 Children Looked after who acted as external evaluators for the tender – specifically the Case Studies component of Question 7 (see above)
- 7.4 Colleagues within the Council and local health system were advised of the requirement to retender the service, new specification drafting, and evaluation approach and were invited to comment on the revised service specification, either through online meetings, teleconferences or by email.

8. SUSTAINABILITY AND IMPACT ASSESSMENTS

- 8.1 The Public Sector Equality Duty (PSED) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. This contract award has been informed by a focussed equalities impact assessment, which found that the proposed revised service will have a far wider reach and richer more responsive service offer than the current service contract, and should therefore ensure that equal access to mental health and wellbeing support is available to all CYP in Bromley requiring support with additional service focus on delivery to vulnerable cohorts, including CYP from Black and Asian Minority Ethnic groups, Lesbian Gay Bisexual Transgender and Questioning CYP, and Neurodiverse and disabled CYP.

9. POLICY CONSIDERATIONS

- 9.1 Since the existing Community Wellbeing Service specification as drafted in 2013 there have been a significant number of policy and strategy developments across the mental health and emotional wellbeing agenda. Chief among these were the core Government policy positions set out below which established, the national vision for the future of mental health and wellbeing (MHEW) for children and young people (CYP). These include:

[Future in Mind \(2015\)](#) which sets out national priorities to transform CAMHS Services

[The Five Year Forward View for Mental Health \(2016\)](#) which describes the government's ambition of creating a parity of esteem between mental and physical health for children, young people, adults and older people.

[Transforming children and young people's mental health provision: a green paper \(Dec 2017\)](#) which sets out the ambition that children and young people who need help for their mental health are able to get it when they need it.

The [Government's 2018 Response](#) to this was clear in its call for amongst other things the strengthening of preventative and resilience supporting services in education and other community settings.

The [Children and Social Work Act 2017](#) contains a wide ranging raft of legislative requirements across a wide spectrum of CYP agendas including Children Looked After support provisions, establishment of new Safeguarding partnerships and Child Death Review systems and additional support for children with complex and continuing health and care needs, including neurodiverse groups and mental health.

- 9.2 Alongside this there has been a range of significant policy developments in the NHS which have a major impact on the context of delivery for MHEW services

[The NHS Long Term Plan](#) This sets out the systemic changes in delivery and service configuration for all NHS services and the specific priorities and service postures required for mental health in community and school settings for all CYP from 0 to 25.

[Journey to A New Health and Care System](#) sets out Sir David Sloman's challenges and tests involved in establishing the "New Business as Usual" in the post Covid 19 world and sets out the issues associated with the transformation of the commissioner/Provider landscape, establishment of Integrated Care Systems, and repatriation of Specialised Commissioning service lines from NHS England regional control to local systems.

[SEND Code of practice 2014](#) covers a broad range of requirements for CYP and young adults aged 0 to 25 with special Educational Needs and Disabilities, including CYP with neurodiverse requirements, continuing health and care needs and Education and Health and Care plans.

- 9.2 The [Public Services \(Social Value\) Act](#) came into force on 31 January 2013. It requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. The Act is a tool to help commissioners get more value for money out of procurement. It also encourages commissioners to talk to their local provider market or community to design better services, often finding new and innovative solutions to difficult problems. The Act is significant because it supports the commissioning options appraisal process, which will ultimately result in the most effective and efficient commissioned provision. Additionally, the Act seeks to ensure that public spending is used to generate social value in addition to the goods and services it purchases. The voluntary and community sector is integral to developing social value in commissioning.

- 9.4 Local Policies that have informed the specification and procurement approach include:

- Joint SEND Strategic Vision and Priorities
- LBB ECHS Business Plan

- LBB Children and Young Peoples Plan
- Local Area Transformation Plan (CAMHS)
- Bromley CCG Operating Plan

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. Additional compliance requirements are an integral part of the Contract that has been applied to this service and its operation with local and regional NHS and LBB services.

11 PROCUREMENT RULES

- 11.1 See Part 2 Report.
- 11.2 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. This opportunity was tendered in accordance with the requirements of an above threshold contract falling under the LTR, following the open tendering process.
- 11.3 The Council's requirements for authorising an award of contract are covered in CPR 16. For a contract of this value, the Approval of the Executive following Agreement by the Chief Officer, the Assistant Director Governance & Contracts, the Director of Corporate Services and the Director of Finance must be obtained. In accordance with CPR 2.1.2, Officers must take all necessary professional advice.
- 11.4 Award notices will be published on Contracts Finder and in the OJEU following the award authorisation.
- 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 content.

12 FINANCIAL CONSIDERATIONS

- 12.1 See Part 2 Report.
- 12.2 There are risks with being the lead partner in a joint procurement in terms of securing ongoing funding from the partner, managing the contract during the contract period, and dealing with any liabilities surrounding the contract. LBB as the lead commissioner would have to manage this risk.
- 12.3 Agreements will have to be made with the CCG regarding any over/underspends that may occur in the contract and with contract management arrangements. These should be dealt with in the Section 75 arrangements where suitable notice of any funding changes could be given, which would give time for the contract to be amended accordingly.

13 LEGAL CONSIDERATIONS

- 13.1 The Council have the legal power provide the community mental health and wellbeing service through a contract in support of and to facilitate the Councils various functions under the Care Act 2014 and in relation to children and to enter into the commissioning arrangements with the CCG.
- 13.2 A contract for the purchase of these services is a public contract under the light touch category within the meaning of the Public Contracts Regulations 2015 (the Regulations). As the value falls above the relevant threshold (£663,540) a full EU light touch procurement has been carried out in accordance with the Regulations and rules set by the published Contract Notice as explained in the part 1 and part 2 reports.

- 13.3 This report seeks to award a contract for a duration of 5 years with the option to extend the contract twice for a further 2 years (5+2=2).
- 13.5 The Council's Contract Procedure Rules (CPR 13.1) provides that authority to award contracts above £1M is with the Executive with the agreement of the Chief Officer, Director of Corporate Commissioning, Director of Corporate Services, Director of Finance and the Portfolio Holder .However Executive decision-making arrangements have been put place as result of the Corona virus epidemic which permits the Leader to assume authority to take the decision to award.
- 13.6 The contract for the service will utilise a modified form of the NHS Short Form contract model, in order to provide additional assurance and influence on the quality and performance of the service. The justification to dispense with a performance bond, to respect the way in which the market for these services operate, is explained elsewhere in this report.

Non-Applicable Sections:	Personelle Implications
Background Documents: (Access via Contact Officer)	<u>Gateway ECH19067</u> Report to Exec 10.07.2019 Contract Award: Bromley CYP MHEWs PART 2