

Decision Maker: Executive

**With pre-decision scrutiny from Adult Care & Health Policy
Development and Scrutiny Committee**

Date: 10 February 2021

Decision Type: Urgent Executive Key

Title: LEARNING DISABILITY SUPPORTED LIVING CONTRACT AWARD

Contact Officer: Colin Lusted, Head of Complex & Long Term Commissioning
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Chief Officer: Kim Carey Interim Director of Adult Services

Ward: All Wards

1. Reason for report

- 1.1 The Council has a contract in place with the Southside Partnership to provide Learning Disability supported living and community-based day and respite services. Executive approval was obtained in November 2019 to extend the contract for a period of up to 2 years from 1 October 2020 to 30 September 2022. The Council was unable to reach mutual terms to extend the contract as originally intended and subsequent negotiation resulted in a 6-month extension of the contract to 31 March 2021.
- 1.2 The supported living element of the current block contract provides a set number of hours for £1,395k per annum with additional hours purchased within the schemes to meet additional client needs (above that included within the block contract) of £240k per annum, making a total current spend of £1,635k per annum.
- 1.3 In September 2020, the Leader approved the tendering of the supported living element of the Southside Partnership contract to ensure the continued provision of care and support into the homes of people with learning disabilities from 1 April 2021.
- 1.4 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 supported living services delivered under the Southside Partnership block contract and seeks Executive approval to award the contract as set out in Part 2 of this report. The contract will commence on 1 April 2021 for a period of 5 years, with the option to extend for 2 further periods of 2 years each and with a contract value as set out in Part 2 of this report.
- 1.5 The report should be read in conjunction with the Part Two report 'Learning Disability Supported Living Contract Award'.

2. RECOMMENDATION(S)

2.1 Adult Care and Health PDS is asked to note and comment on the contents of the report.

2.2 The Executive is recommended to:

- i) **Award the contract for the provision of supported living services as set out in Part 2 of this report, commencing on 1 April 2021 for a period of 5 years to 31 March 2026 with the potential to extend for 2 further periods of 2 years each with contract values as stated in the Part 2 of this report.**
- ii) **Delegate to the Director of Adult Social Care, Education, Care & Health Services, in consultation with the Portfolio Holder for Adult Care and Health Services, the Assistant Director Governance & Contracts, the Director of Finance and the Director of Corporate Services, authorisation to exercise the 2 extension periods of up to 2 years each.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: To ensure the continued provision of statutory services to adults with LD living in Bromley.
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Corporate Policy1. Policy Status: Existing Policy:

2. BBB Priority: Supporting Independence:
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Financial

1. Cost of proposal: Further Details Please see the Part 2 Report
 2. Ongoing costs: Recurring Cost Please see the Part 2 Report
 3. Budget head/performance centre: Learning Disabilities
 4. Total current budget for this head: £1,409k (block) plus £222k from main budget = £1,631k (draft 21/22 budget)
 5. Source of funding: Existing Revenue budget
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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: Further Details: Request call in be waived on grounds of urgency.
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Procurement

1. Summary of Procurement Implications:
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 35
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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 A Gateway Report was presented to the Leader in September 2020 outlining the current provision of supported living services for 35 people with learning disabilities living in 9 properties. The report advised that the services are provided under a block contract currently operated by Southside Partnership and that the Council was unable to reach mutually acceptable terms to extend the contract for a period of 2 years as was previously intended. It was therefore necessary to undertake the tendering of the supported living services over a reduced timeframe, using a 6-month extension period that had been negotiated to 31 March 2021 to ensure the continued provision of care and support to the tenants living in the properties.
- 3.2 The Leader approved the commencement of the tender process in relation to the supported living services and this report details the outcome of the tender process and seeks Executive agreement to the award of the contract as detailed in Part 2 of this report.

4. DESCRIPTION OF SERVICE AND SUMMARY OF THE BUSINESS CASE

- 4.1 The supported living element of the Southside Partnership block contract provides a predetermined amount of staffing for 35 clients across the 9 properties. Over the contract term, as a result of increasing client needs and the introduction of new, more complex tenants into the properties, an additional 330 hours per week of care and support has been spot purchased from Southside Partnership to meet assessed needs and was included in the tender.
- 4.2 The 35 people living in these services have tenancies with a Registered Social Landlord. The Council retains sole nomination rights into these 9 properties which are a mix of semi-detached and detached houses. This contract relates to the provision of care and support which may include assistance with:
- Managing bills and money
 - Shopping, cooking and healthy eating
 - Learning new skills for independence
 - Accessing employment, sports and social activities
 - Personal care and well-being
 - Managing medication
- 4.3 The services are monitored regularly by the Council's monitoring officers and Quality Checkers. There are no outstanding issues and the services are being delivered to the requirements stipulated in the Council's Quality Assurance Framework.
- 4.4 The people living in these properties have a right of tenure and several tenants have lived in them for more than 20 years. Residents living in supported housing have greater independence and choice and control over their lives when compared to living in a care home. The supported living model of care has been adopted by councils nationally and, when compared with registered care services, is a cost effective way of meeting needs; this is due to housing and general living costs being met by welfare benefits, with the Council being responsible for the cost of care and support only.

5 CONTRACT AWARD RECOMMENDATION

- 5.1 **Recommended Provider** – Please see the Part 2 version of this report.
- 5.2 **Estimated Contract Value (annual and whole life)** –
Please see the Part 2 version of this report.
- 5.2 **Other Associated Costs** – None
- 5.3 **Proposed Contract Period** – 5 years plus 2 further periods of 2 years each (9 years in total)

- 5.4 The 2-stage tender process was undertaken in accordance with contract procedure rules and in consultation with the Corporate Procurement Team using the online tendering system Pro-contract. Bids were evaluated during the initial stage 1 process with the top 5 bids taken through to Stage 2. The Stage 2 process included interviewing each bidder in relation to their written submissions. The tenders were evaluated with the Council's usual 60% price / 40% quality split, with the results analysed using the CIPFA model as set out at Appendix 2 in the Part 2 version of this report.
- 5.5 The Part 2 version of this report gives details of the analysis of pricing.
- 5.6 The Part 2 version of this report details the tender evaluation scoring.
- 5.7 Once let, the services will be rigorously monitored by the Contracts Compliance Team who will work with commissioners and attend the regular contract management meetings. The tender documentation included the KPI's detailed at Appendix 1 and these will be used as the basis for monitoring performance along with the Council's standard Quality Assessment Framework (QAF) process.

6 MARKET CONSIDERATIONS

- 6.1 There is a strong and stable market for the provision of supported living services. Market engagement took place with providers before the tender was issued.
- 6.2 This tender attracted some new bidders into Bromley rather than established organisations that Bromley has previously worked with. The tender included the likely TUPE transfer of staff who have LGPS pensions, it is likely that this will have made the tender less attractive to some organisations.

7. STAKEHOLDER ENGAGEMENT

- 7.1 Service users living in the properties affected by the tender were advised that the services were being re-procured. With the majority of current staff being expected to TUPE transfer to the new provider, the impact upon individual service users is expected to be minimal.

8. SUSTAINABILITY AND IMPACT ASSESSMENTS

- 8.1 As part of the tender process, providers were asked to explain how they would meet social, economic and environmental considerations through the delivery of the services. These areas cover such activities as local recruitment policies, procuring goods and services from local businesses and fundraising activities on behalf of local and national charities.

9. POLICY CONSIDERATIONS

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

The Care Act (2014) guidance states that:

Local authorities should consider the contract arrangements they make with providers to deliver services, including the range of block contracts, framework agreements, spot contracting or 'any qualified provider' approaches, to ensure that the approaches chosen do not have negative impacts on the sustainability, sufficiency, quality, diversity and value for money of the market as a whole – the pool of providers able to deliver services of appropriate quality

- 9.2 The services being tendered are in alignment with the Council's Building a Better Bromley policy 'Supporting Independence'.

10. IT AND GDPR CONSIDERATIONS

10.1 Information governance and security form part of the evaluation process. All of the bidders taken through to Stage 2 of the process were evaluated as being compliant.

11. PROCUREMENT RULES

- 11.1 This report seeks to award the Contract for Learning Disability Supported Living Services to the Provider set out in the Part 2 report for a period of five years with the option to extend for up to two years followed by a further period of up to two years (a total of up to nine years). The estimated whole life cost of the proposed contract award is set out in the Part 2 report.
- 11.2 This is a Service contract and is covered by Schedule 2 of the Public Contract Regulations 2015, and thus the procurement was undertaken in accordance with the 'Light Touch Regime' (LTR) of these Regulations. A summary of the consensus scores against the quality criteria is set out in Appendix 2 of the Part 2 report.
- 11.3 The tender process was 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 The Council's requirements for authorising an award of contract are covered in Contract Procedure Rule 16. For a Contract of this value, the Approval of Executive following Agreement by the Portfolio Holder, Chief Officer, the Assistant Director of Governance & Contracts, the Director of Corporate Services and the Director of Finance must be obtained. In accordance with Contract Procedure Rule 2.1.2, Officers must take all necessary professional advice.
- 11.5 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 Public Contract Regulations 2015.
- 11.6 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 Financial considerations are included in the part 2 report.

13. PERSONNEL CONSIDERATIONS

13.1 There are no direct personnel considerations for the Council to consider.

14. LEGAL CONSIDERATIONS

- 14.1 This report demonstrates compliance with the Public Contracts Regulations 2015 and the Council's Contract Procedure Rules.
- 14.2 The Council's standard terms and conditions were used in the course of this procurement. Legal Services were involved in their preparation.

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

Appendix 1: Key Performance Indicators

KPI		Target	Monitoring Method
1	Every referral will be accepted by the Provider, as per the terms of the contract.	100% Mandatory	Quarterly Contract monitoring report
2	Every referral to be assessed by the Provider within five (5) working days.	100% Mandatory	Quarterly Contract monitoring report
3	The provider is to commence development of a person centred strength based & outcome focussed support plan within five (5) working days of moving in.	100% Mandatory	Contract compliance visit
4	% of Service Users with an up-to-date Service User centred support plan reflective of current needs and reviewed at least quarterly or following a serious incident	100% Mandatory	Quarterly Contract monitoring report / Contract Compliance Visit (snapshot)
5	Service User is supported to attend and complete an Annual Health Check with GP	100%	Quarterly Contract monitoring report
6	Service User is registered with all mainstream health services (Dentist, Optometrist etc.)	100%	Contract compliance visit
7	% of staff team to be permanent	80%	Quarterly Contract monitoring report

8	That KPI scores in the QAF achieve at least Level B or above	100%	Contract compliance visit
9	% of agency staff by hours per quarter	No more than 10% of establishment hours	Quarterly Contract monitoring report
10	% staff vacancies expressed as hours	<16%	Quarterly Contract monitoring report
11	% of staff receiving mandatory refresher training	95%	Contract compliance visit
12	% of appropriately trained and assessed as competent staff available to meet the health and medication needs of the Service Users, 24/7	100% of time	Contract compliance visit
13	Ensure that all safeguarding and serious incidents are reported in accordance with national and local guidance.	100% Mandatory	Quarterly Contract monitoring report
14	Ensure that all safeguarding and serious incidents are reported within 24 hours to the Contract Monitoring Team	100% Mandatory	Quarterly Contract monitoring report
15	Level of Service User and/or their representatives satisfaction with the service as reflected in the Annual Survey.	>90% satisfied	Contract monitoring report – annual survey
16	Communication passport in place and reviewed	100%	Quarterly Contract monitoring report / Contract Compliance Visit (snapshot)

17	Hospital passport in place and reviewed	100%	Quarterly Contract monitoring report / Contract Compliance Visit (snapshot)
18	Number of complaints resolved to the satisfaction of the complainant	95%	Quarterly Contract monitoring report
19	Compliance with Deprivation of Liberty guidance & Procedures/ Liberty Protection Safeguards (LPS)	100%	Contract compliance visit
20	% of Service Users who have had a medication review under STOMP*	100%	Contract compliance visit

*STOMP stands for stopping over medication of people with a learning disability, autism or both with psychotropic medicines. It is a national project involving many different organisations which are helping to stop the over use of these medicines. STOMP is about helping people to stay well and have a good quality of life.