



Key Decision Report of the Corporate Director - People

Officer Key Decision	Date: 4 June 2020	Ward(s): All
Delete as appropriate	Non-exempt	

The Appendix to this report is exempt and not for publication.

SUBJECT: Contract award for 1920-0180 One to One (1:1) Support, Day Opportunities and Activities Framework for People with Disabilities

1. Synopsis

- 1.1 This report seeks contract award approval in respect of 1920-0180 One to One (1:1) Support, Day Opportunities and Activities Framework for People with Disabilities, in accordance with Rule 2.7 of the Council's Procurement Rules.
- 1.2 The contract is to procure a framework of providers that are suitably qualified to deliver high quality one to one (1:1) support, day opportunities and activities for people of all ages with disabilities. Providers successfully joining the framework are not guaranteed any level of business – individual arrangements will be commissioned according to local needs.

2. Recommendation

- 2.1 To approve the contract award for 1920-0180 One to One (1:1) Support, Day Opportunities and Activities Framework for People with Disabilities, as outlined in this report.

3. Date the decision is to be taken

4 June 2020

4. Background

- 4.1 Nature of the services:

The framework has been tendered jointly between children's and adult services. Benefits of taking an all-age approach include:

- Encouraging providers who can bridge the gap at 18 years old, to reduce challenges associated with transition
- Access to a wider provider market
- Efficient commissioning where providers are shared
- Potential for contract monitoring efficiencies
- Increased ability to understand and plan for emerging needs

Bidders have been invited to apply across four lots: three for one to one (1:1) support and one for day opportunities and activities.

One to One (1:1) Support

Hours of one to one support are commissioned for individuals with eligible needs who require support with community and/or home-based tasks. This type of service could otherwise be referred to as: domiciliary care, homecare, outreach or floating support.

This framework will replace an existing framework agreement for 1:1 Outreach Short Breaks for children and young people. For adults, this framework will replace spot purchasing arrangements.

In recognition of the different specialisms that are required from the support staff, we have tendered for three lots in this area:

1. Lot 1 – low to moderate needs
2. Lot 2 – enhanced requirements around physical health needs
3. Lot 3 – enhanced requirements around challenging behaviour, complex autism (with or without learning disabilities), mental health

Day Opportunities & Activities

4. Lot 4 – Day Opportunities & Activities

Day opportunities and activities support outcomes around social inclusion, developing skills, community integration and respite for family carers. Providers have been invited to apply with or without premises.

Across children's and adult services, this framework is intended to increase the range of provision in the borough, as well as reduce the reliance on spot purchased arrangements

4.2 Estimated Value

The framework has been tendered with a maximum value of £2million over a 2-year period. If the total value were exceeded within the two-year period, the framework would need to be re-tendered.

Islington currently spends £60,000/year within the existing children's framework and £2.3million on spot purchase arrangements in adult services for these types of packages. It is not envisaged that all of this spend will be immediately redirected via the framework. However, as these packages are reviewed and changed, social workers / brokerage officers will be encouraged to make use of the framework. The framework will be the primary resource for arranging any new packages / services.

Providers successfully joining the framework are not guaranteed any level of business – individual arrangements will be commissioned according to local needs and funded from social care placement budgets.

4.3 Timetable

- Contract award – June 2020
- Mobilisation with social care teams – June/July 2020
- Embedded as business as usual – August 2020 onwards

Please note the timetable for contract award has been delayed by the Covid-19 pandemic – the original contract award was scheduled for April 2020.

4.4 Options Appraisal

The original procurement strategy for this piece of work sought to procure a Dynamic Purchasing System (DPS) for home & community support and day opportunity services for people, of all ages, with disabilities.

As a result of coproduction sessions with service users and family carers, we amended the name to: one to one (1:1) support, day opportunities and activities for people with disabilities.

When deliberating the 'call-off' process, it became evident that a DPS would place unmanageable requirements on frontline staff to carry out formal evaluation/moderation processes for each support package they wanted to put in place.

The alternative was to procure a framework. The implication of this change being that a framework fixes the number of providers for the duration of the agreement.

4.5 Conclusion of options appraisal

On balance of the advantages and drawbacks, it was agreed to proceed with procuring a framework. To mitigate the risks around having a fixed provider list, we have tendered for a two-year framework in order to pilot the way of working. If it proves successful, at the end of the 2 years we can re-procure for a longer duration. We have carried out market warming activities in the lead-up to publishing the tender, in order to encourage as many providers into the market as possible.

4.6 Key Considerations

The Care Act makes it explicit that local authorities must shape the local market to offer people with care and support needs a diverse and vibrant range of provision, and commissioning and purchasing practices should facilitate this, to ensure people have a real choice of services that can offer personalised solutions.

Currently the local offer for this type of care and support is dominated by a limited number of service providers and does not have the capacity to meet all current and future needs.

A requirement to pay London Living Wage (LLW) is included as a condition of this contract, if there is no cross border interest in the contract following OJEU notice or if cross border bidders do not expect to use employees for this contract who are established in another EU member state.

TUPE does not apply.

4.7 Social Value

This procurement will deliver social value by requiring providers to pay London Living Wage to all staff engaged in the delivery of these services. In addition, the specification requires providers to support service users to achieve their own employment potential, through work preparation activities and active job searching.

The additional social value that the provider can deliver has been tested in question 1.3 of the tender, weighted at 10%. Successful bidders have outlined a range of creative ways that they deliver, or intend to deliver, social value. These will become part of their contract with the Council and can therefore be monitored.

4.8 Evaluation

This procurement has been conducted in accordance with the Public Contracts Regulations 2015. The procurement is subject to the light-touch regime under Section 7 Social and Other Specific Services. Under Regulation 76 the Council is free to establish a procedure, provided that procedure is sufficient to ensure compliance with the principles of transparency and equal treatment of economic operators (service providers). The approach used was a two stage procedure.

The award criteria used were 80% quality and 20% price.

The quality element was broken down into:

- Delivering outcomes (25%)
- Service model (25%)
- Quality assurance and safeguarding (20%)
- Social Value (10%)

Providers submitted their response to 'delivering outcomes' as a video.

The Invitation to Tender (ITT) was initially published on the London Tenders Portal on 11th October 2019 and the closing date for applications was 22nd November 2019. Seventeen (17) providers submitted an SQ document in this first round. Commissioners concluded that this was insufficient providers to achieve the desired outcomes of the framework, particularly in relation to expanding the local market.

Following some further market engagement, the ITT was re-published on the London Tenders Portal on 3rd December 2019 and the closing date for applications was 29th January 2020. Thirty four (34) providers submitted an SQ document in the second round. Six (6) of these failed the mandatory inclusion criteria questions and were excluded.

The remaining twenty-eight (28) bids were fully evaluated for quality. Lot-specific pricing was only evaluated for providers who successfully passed the quality criteria for that lot – i.e. scoring a minimum of 3 on all questions.

Providers meeting the quality and price criteria in each lot are as follows:

Lot 1	Lot 2	Lot 3	Lot 4
Advance Housing and Support Ltd	Action for Children Services Ltd.	Action for Children Services Ltd.	Acorn Day Opportunities Ltd
Centre 404	Advance Housing and Support Ltd	Advance Housing and Support Ltd	Action for Children Services Ltd.
Integrity Care and Support	Centre 404	Centre 404	Advance Housing and Support Ltd
KeyRing Living Support Networks	Outward	Integrity Care and Support	Artbox London
Magic Helping Hands	Special People	Magic Helping Hands	Centre 404

Manor Gardens Welfare Trust	The Camden Society (London)	Outward	Headway East London
Outward	The Westminster Society for people with learning disabilities	Solutions Social Care	KIDS
Solutions Social Care	Willcob Care Ltd	Special People	Manor Gardens Welfare Trust
Special People		The Bridge London Trust	Peter Bedford Housing Association
The Camden Society (London)		The Camden Society (London)	Solutions Social Care
The Westminster Society for people with learning disabilities		The Westminster Society for people with learning disabilities	The Bridge London Trust
Willcob Care Ltd		United Response	The Camden Society (London)
		Willcob Care Ltd	The Westminster Society for people with learning disabilities

Scores are attached as an exempt appendix.

4.9 Business Risks

A majority of these services are currently commissioned via spot purchase arrangements and therefore there is minimal risk of challenge.

There are significant business opportunities around:

- Increased control over quality and price
- Enhanced local offer that is more responsive to current and future need
- More robust network of high quality local providers

The service specifications have been co-produced with service users and family carers.

- 4.10 The Employment Relations Act 1999 (Blacklist) Regulations 2010 explicitly prohibit the compilation, use, sale or supply of blacklists containing details of trade union members and their activities. Following a motion to full Council on 26 March 2013, all tenderers will be required to complete an anti-blacklisting declaration. Where an organisation is unable to declare that they have never blacklisted, they will be required to evidence that they have 'self-cleansed'. The Council will not award a contract to organisations found guilty of blacklisting unless they have demonstrated 'self-cleansing' and taken adequate measures to remedy past actions and prevent re-occurrences.

The following relevant information is required to be specifically approved by the Executive in accordance with rule 2.8 of the Procurement Rules:

4.11

Relevant information	Information/section in report
1 Nature of the service	Establishing a framework for one to one (1:1) support, day opportunities and activities for people with disabilities.

	See paragraph 4.1
2 Estimated value	The framework has a maximum total value of £2million. See paragraph 4.2
3 Timetable	<ul style="list-style-type: none"> • Contract award – June 2020 • Mobilisation with social care teams – June/July 2020 • Embedded as business as usual – August 2020 onwards See paragraph 4.3
4 Options appraisal for tender procedure including consideration of collaboration opportunities	On balance of the advantages and drawbacks, it was agreed to proceed with procuring a framework. See paragraph 4.5
5 Consideration of: Social benefit clauses; London Living Wage; Best value; TUPE, pensions and other staffing implications	Due consideration has been given to these key areas and the proposed strategy is compliant. See paragraph 4.6
6 Evaluation criteria	The award criteria breakdown is 20% price / 80% quality. See paragraph 4.8
7 Any business risks associated with entering the contract	Business risk is minimal. See paragraph 4.9
8 Any other relevant financial, legal or other considerations.	See section 5

5. Implications

5.1 Financial implications:

The scope of this framework covers a multitude of disability areas including Learning Disabilities, Mental Health, Children’s Disabilities, Sensory Support, Autism, and those with more profound Physical Disabilities.

The budget for Domiciliary Care and Day Care spot placements within Learning Disabilities and Sensory Support is around £2,300,000. The budget for Learning Disabilities sits within the Islington Learning Disabilities Pool (ILDLP) to which Islington CCG contribute 12.3%, and the rest is funded through the Adult Social Care base budget. There is also budget for other disabilities including those joint with Mental Health and those with more profound Physical Disabilities which is also funded by the Adult Social Care base budget. The budget for the existing Children’s short breaks framework is £60,000.

This framework would ensure that all London based providers of day care and domiciliary services to those with disabilities have to pay their employees the London Living Wage (LLW). As our current spot placement providers do not have to pay the LLW, this could create a cost pressure on the Adult Social Care and Children's budgets. However, a cost ceiling has been implemented in the tender documentation to ensure that the providers cannot bid for amounts over the current unit cost. This should help to ensure that the costs cannot increase too drastically. It also means that there is a potential to reduce costs which could help to contribute to the MTFs savings plans.

Implementation of the Framework will be monitored carefully and discussed with the Commissioning and Finance teams regularly. The Framework will be provided, managed and supported from existing Adult Social Services resources (systems and staffing) and therefore should not result in a budget pressure for the Council. Any cost pressures that arise will need to be managed within the Adult Social Care or Children's budgets.

Payment of London Living Wage is a requirement of the contract and should not result in any additional costs.

Any TUPE cost implications that may arise from this tender will have to be met by existing resources outlined above.

5.2 Legal Implications:

The Council has duties under section 17 of the Children Act 1989 to provide services to children in need. The Council also has duties to make arrangements to meet the care and support needs of eligible adults under the National Assistance Act 1948, section 21 (as amended) and the Care Act 2014, sections 18 and 19. The council may enter into contracts for such services under section 1 of the Local Government (Contracts) Act 1997.

The estimated value of the services being procured exceeded the financial threshold for the application of the light touch regime set out in Regulations 74 to 77 of the Public Contracts Regulations 2015 (the Regulations). Accordingly, the procurement was advertised in the Official Journal of the European Union (OJEU). There are no prescribed procurement processes under the light touch regime. Therefore the council has discretion as to how it conducts the procurement process provided that it: discharges its duty to comply with the Treaty principles of equal treatment, non-discrimination and fair competition; conducts the procurement in conformance with the information that it provides in the OJEU advert; and ensures that the time limits that it imposes on suppliers, such as for responding to adverts is reasonable and proportionate. The Council has used a two stage competitive tendering process that meets these requirements and the requirements of the Council's Procurement Rules.

The tenders have been subject to a detailed evaluation in accordance with the evaluation model. The outcome of that evaluation demonstrates that the organisations recommended for appointment to the One to One (1:1) Support, Day Opportunities and Activities Framework for People with Disabilities, received the highest overall evaluation in each Lot. Accordingly, it would be reasonable for the decision maker to decide to appoint them to the framework panel for each Lot, subject to being satisfied that their tenders represent value for money and their competence to deliver the services.

5.3 Environmental Implications and contribution to achieving a net zero carbon Islington by 2030:

The environmental implications of this procurement fall into two categories; those related to one to one (1:1) support and those related to day services and activities. The main impact of one to one (1:1) support is likely to be the transport used by the care giver. If travelling by car, this could involve emissions (depending on the engine type) and congestion. Walking, cycling or using public transport would be preferred options and the service specification will make clear that the providers are expected to make best use of these modes. There will also be some in-home impacts, such as

energy use or waste generation, and the service specification will outline that providers are expected to support people to recycle within their homes.

For the day services and activities, the main impacts will be related to the buildings used to deliver the services (energy, water, waste), as well as travel to the services by the users. Any building-based day provisions will be expected to adhere to local waste and recycling policies. With regards to the transport impact, this procurement seeks to develop a more robust local support offer for people with disabilities, which will potentially reduce the need for transport services to out-of-borough placements.

5.4 Resident Impact Assessment:

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

A Resident Impact Assessment was completed on 9 March 2020. The full document is attached as an appendix and the summary is included below:

Establishing a framework via which to purchase one to one (1:1) support, day opportunities and activities for people with disabilities does not negatively discriminate against people with protected characteristics. The service will positively support people with disabilities to live meaningful lives as independently as possible in their local community. Providers delivering these services play a vital role in supporting fair and equal access to the community.

Purchasing services via the framework, as opposed to existing practices, will increase choice and control by facilitating access to a wider range of providers and service offers. Having a more robust and varied local offer will help ensure services are designed around individual needs and preferences, including needs and preferences which are related to protected characteristics.

6. Reasons for the decision:

- 6.1 There is not currently an adequate mechanism by which to commission and procure one to one (1:1) support, day opportunities and activities for people with disabilities. Existing arrangements are unable to meet existing and future demand and carry quality and cost risks. A framework will greatly improve Islington's options and ability to meet the requirements of the Care Act and meet the needs of local people with appropriate services. Working jointly across children's and adult services will support smoother transition arrangements and encourage a more varied provider market.

7. Record of the decision:

- 7.1 I have today decided to take the decision set out in section 2 of this report for the reasons set out above.

Signed by:

Corporate Director of People

Date

Appendices

- Appendix A – Evaluation Scores (exempt and not for publication)
- Appendix B – Resident Impact Assessment

Background papers: N/A

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