

Report of: Director – Adult Social Services

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| Key decision | Date: 1 September 2021 | Ward(s): All |
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SUBJECT: Procurement Strategy for Healthwatch Islington

1. Synopsis

- 1.1 This report seeks pre-tender approval for the procurement strategy in respect of an Islington Healthwatch Service in accordance with Rule 2.7 of the Council’s Procurement Rules
- 1.2 The Health and Social Care Act 2012 places a statutory requirement for councils to commission a local Healthwatch service. Healthwatch acts as a consumer champion for users of health and social care services, for both children and adults. It makes sure that: people know where to go to raise concerns and obtain information about health and social care services; people’s views and experiences are heard and acted upon, improving scrutiny of health and social care services; and enables local people to influence commissioning decisions and service design, development and improvement.

In Islington Healthwatch is seen as much more than simply a statutory function. Healthwatch is a key independent stakeholder and champion of challenging inequalities. The Covid-19 pandemic has exacerbated health inequalities. Addressing these inequalities is a priority for Islington Council and the Fairer Together partnership and therefore places even greater significance on the role of the local Healthwatch service over the next period.

As a key strategic partner across health and social care, Healthwatch will continue to provide strategic independent input to a range of networks and boards, including the Safeguarding Board, Fairer Together Partnership Board, All Age Mental Health Partnership,

North Central London Engagement and Equalities Board, borough Community Networks and other borough activity as appropriate.

2. Recommendations

- 2.1 To approve the procurement strategy for an Islington Healthwatch service as outlined in this report.
- 2.2 To delegate authority to award the contract to the Director Adult Social Services.

3. Date the decision is to be taken:

Decision to be taken 1 September 2021

4. Background

- 4.1 The Health and Social Care Act 2012 established Healthwatch as a new consumer champion for users of health and social care services. National guidance specifies the key functions that Healthwatch must deliver, but leaves the local specification up to local authorities to determine the best model to meet the needs of their local residents.

The national vision for Healthwatch to be a body that gives local communities a bigger say in the planning, commissioning, delivery and monitoring of health and social care services. Healthwatch works to ensure services meet the health and wellbeing needs of local residents and groups, and address health inequalities. It will strengthen the voice of local people and groups, helping them to challenge poor quality services.

Healthwatch is a key part of the local health and social care landscape, it has a statutory place on the health and wellbeing board where it can share evidence and feedback on what people think about their health and social care services to system leaders to ensure that services meet the needs of and are shaped by local communities. It can also enter and view services such as care homes and hospitals, observe what is happening and report back to commissioners.

The Council intend to re-commission a local Healthwatch service to meet our statutory responsibilities, and fulfil the following functions:

- Provide information and advice to the public about accessing health and social care services and choice in relation to aspects of those services;
- Make the views and experiences of people known to Healthwatch England helping it to carry out its role as national champion;
- Make recommendations to Healthwatch England to advise the Care Quality Commission (CQC) to carry out special reviews or investigations into areas of concern or, if the circumstances justify it, go direct to the CQC with their recommendations, for example if urgent action were required by the CQC;

- Promote and support the involvement of residents in the monitoring, commissioning and provision of local care services;
- Obtain the views of residents about their needs for and experience of local health and care services and make those views known to those involved in the commissioning, provision and scrutiny of health and care services; and make reports and recommendations about how those services could or should be improved.

The Council has high expectations of the local Healthwatch Service to continue to innovate, research and build partnerships to ensure representation from traditionally under-represented groups and those people more likely to experience inequalities. This crucially includes children as well as adults. We expect a local Healthwatch to undertake research on behalf of and in partnership with local residents to evidence both quality and equalities issues, inform service improvement and improve resident experience and outcomes.

Estimated Value

The Adult Social Care Budget will fund the service.

The estimated budget for this service will be £1,404,900 over a maximum of 9 years; this is in line with the current annual budget, which is £156,100 per annum.

2018/2019 benchmarking information from Healthwatch England indicates spend per head of population ranges from £0.26 per person to £0.96 per person. Islington spend per head of population is £0.63.

Compared to NCL local authority spend on local Healthwatch organisations per annum, Islington (£156,100) spent similar in 2021/21 than Haringey (£152k - £0.59 per head); more than Enfield (£144,973 - £0.43) and Barnet (£128k - £0.32); and less than Camden (200K - £0.79).

This is a small contract and having considered any potential for further savings, the risks would outweigh any benefits. A 5% per annum saving would only achieve £7805 per annum.

If there was a reduction in the budget, it would impact on the ability of the Service to provide a quality offer with experienced staff and would reduce the reach of the service. Healthwatch needs to continue to have capacity to act as a key stakeholder that plays a strategic role in addressing inequalities, improving access to and experience of health and social care.

Whilst the risks of reducing the contract value outweigh the financial benefits, there is opportunity to ensure greater value for money with an even stronger emphasis on the strategic role of the local Healthwatch service.

Therefore, we are not proposing a reduction in the contract value.

As part of the social value evaluation, the new contract will make specific reference to the expectation to fundraise to increase the reach and impact of the local Healthwatch service.

We will request that there is no uplift in the new contract period. This may mean we get less for the same money as costs increase over the life of the contract.

4.2 Timetable

| | |
|-----------------------|---------------------|
| Strategy approved | 17 August 2021 |
| Service Specification | July – August 2021 |
| Engagement | August –Sept 2021 |
| Publish Tender | November 2021 |
| Evaluation | Dec 2021 – Jan 2022 |
| Award | Jan 2022 |
| Mobilisation | Feb - Mar 2022 |
| Contract start | 1 April 2022 |

4.3

| Procurement options | | |
|---|--|---|
| Option | Benefits | Drawbacks |
| 1: Decommission the service | <ul style="list-style-type: none"> Not Applicable | <ul style="list-style-type: none"> Council will not meet its statutory responsibilities under the Health and Social Care Act 2012 |
| 2: Delivering the service in-house | <ul style="list-style-type: none"> Not Applicable | <ul style="list-style-type: none"> The Health and Social Care Act 2012 requires that Healthwatch service is delivered independent of local authorities. Therefore, an in-house service would not meet the statutory requirement. |
| 3: Re-procure the Islington Healthwatch Service, through tender procedure inviting organisations with previous experience in delivering Healthwatch services. | <ul style="list-style-type: none"> The current service is well regarded by users of the service and partners and appears effective according to contract monitoring reports Fulfils the council’s statutory responsibilities Service provision is in line with council’s objectives and values. Further collaboration with members of Healthwatch England is planned to develop a refreshed specification. Organisations responding to the invitation may bid at a lower amount, and if successful, this may generate a saving. | <ul style="list-style-type: none"> Funding pressures |

| | | |
|--|--|--|
| <p>4. Re-procurement of the Healthwatch service in partnership with another of the NCL partnership councils.</p> | <ul style="list-style-type: none"> • Possible savings generated through joint procurement in terms of economies of scale. • Fulfils the council's statutory responsibilities | <ul style="list-style-type: none"> • Previous research completed by commissioning highlighted that NCL partner's Healthwatch contracts had end dates that did not match Islington's, therefore joint procurement unlikely to be possible. • Joint Healthwatch services would lose focus on Islington and would lose the local office base and weaken connections with borough partners |
|--|--|--|

4.4 **Outcome: Option 3 is recommended.**

Economic, social and environmental sustainability

Social benefits of a Healthwatch service will have an emphasis on the following:

- Improving wellbeing and choice through a strength based approach;
- Ensuring resident's voices are considered as well as be included in the development and change of health and social care services in Islington.
- Supporting users of services to provide feedback and affect change in the services they use can be empowering.

Social Value will form a key part of this tender. In addition to the economic benefits, the Healthwatch service will help people lead healthier, fulfilling lives and participate in the community.

Social value will include:

- Provider delivering sound employment practice and employment rights through: evidencing progression and training opportunities for staff; implementation of equality and diversity policies; enabling security of employment for the workforce.
- Support and promote employment opportunity in the borough and work with the Council's iWork service to provide opportunities to local residents, advertising on the Council's new Islington Working employment search site.
- Maintaining offices in LBI and contributing to the local economy by paying council tax etc.
- Including service users in service design and ongoing service development
- Encourage the promotion of Council-led programmes such as the 100 Hours World of Work.
- Provider supporting efforts to create a more inclusive economy by offering volunteering opportunities for residents

- Provider fundraising to support implementation of Healthwatch priorities, participate in partnership work to promote income generation as well as lend support to smaller voluntary organisations to build capacity.

Environmental

- Encouraging energy efficiency and water consumption in office spaces and meeting rooms used for the service.
- Making best use of buildings that already exist,
- Recycling.
- Travel planning for employees, to minimise carbon emissions.

London Living Wage

LLW will be a condition of this contract where permitted by law.

It is likely that TUPE will apply for this contract.

4.5 Evaluation

The tender will be conducted in one stage, known as the Open Procedure, as the tender is 'open' to all organisations who express an interest. The Open Procedure includes minimum requirements, which organisations must meet before the rest of their tender is evaluated.

The contract will be awarded to the Most Economically Advantageous Tender (MEAT) and the award criteria will be set at 10% cost and 90% quality. This will enable Islington to acquire a contractor that deliver the best value overall.

Quality questions will indicatively comprise of proposals on the following

| Award criteria | Total |
|---|--------------|
| | |
| Cost | 10% |
| Quality – made up of method statement questions: | 90% |
| Proposed approached to Delivery of high quality service | 30% |
| Proposed approached to Equalities | 20% |
| Proposed approached to Partnership Working | 20% |
| Proposed approached to Social Value | 20% |
| Total | 100% |

4.6 Business Risks

There are a number of risks attached to this procurement which are:

| Risks | Mitigation |
|------------------------------------|--|
| Financial pressure for the council | There is central government funding attached to the statutory procurement of a local Healthwatch service, which goes towards mitigation of the financial pressure. |

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|-------------------|---|
| TUPE Implications | TUPE will apply to this procurement so we will factor in adequate time in the mobilisation period |
|-------------------|---|

4.7 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.

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

| Relevant information | Information/section in report |
|--|---|
| 1 Nature of the service | Healthwatch Islington See paragraph 4.1 |
| 2 Estimated value | The estimated value per year is £156,100. The contract will run for a period of 3 years with two optional extensions. Full length of contract will be 3+3+3 years. See paragraph 4.2 |
| 3 Timetable | See paragraph 4.3 |
| 4 Options appraisal for tender procedure including consideration of collaboration opportunities | Re-procure the current Healthwatch Islington Service at the current cost See paragraph 4.4 |
| 5 Consideration of: Social benefit clauses; London Living Wage; Best value; TUPE, pensions and other staffing implications | Social Value will be a fundamental part of the procurement and will score 20% within the quality criteria. LLW will also be a condition of the contract. We expect that TUPE will apply for this contract. See paragraph 4.5 |
| 6 Award criteria | The contract will be awarded to the Most Economically Advantageous Tender (MEAT) and the |

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|--|---|
| | award criteria will be set at 10% cost and 90% quality See paragraph 4.6 |
| 7 Any business risks associated with entering the contract | See paragraph 4.7 |
| 8 Any other relevant financial, legal or other considerations. | See paragraph 5.1 and 5.2 |

5. Implications

5.1 Financial implications:

The Healthwatch Islington Service is a commissioned contract within Adult Social Services. The majority of the contract is funded within the Adult Social Care base budget, with a contribution from the non-ring fenced Local Reform and Community Voices Grant.

Local authorities have a duty under the Local Government and Public Involvement in Health Act 2007 (as amended by the Health and Social Care Act 2012) to ensure that an effective local Healthwatch is operating in their area, delivering the activities set out in the legislation. The Local Reform and Community Voices grant provides one element of the non-ring fenced funding provided for local Healthwatch, with the larger proportion having been rolled into the local government settlement in 2011 to 2012.

The 2021-2022 budget for this service is £156,100. The proposed annual value of the contract is £156,100. Therefore, this will not create any budgetary pressure on the Adult Social Care budget.

The length of the contract is three years with an optional extension of three years, then a further optional extension of three years. The estimated total cost of the contract over the maximum nine-year period for Islington Council will be £1,404,900.

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

5.2 Legal Implications:

Islington Council under the Localism Act 2011 has a general power of competency, as it gives the council the legal capacity to do anything that an individual may generally do subject to any statutory limitations. The council has the power under this section to agree to the proposals in the report.

In addition the council has a general power under section 111 of the Local Government Act 1972 to do anything that is calculated to facilitate, or is conducive or incidental to the

discharge of any of its functions. It provides council's with a general power to enter into contracts for the discharge of any of their functions.

The Local Government Act 1999, requires the council to make arrangements to achieve Best Value in the exercise of its functions when considering a service provision, which includes the works and services detailed in the body of the report.

The value of the proposed contract is £ 1,404,900 over 9 years (3 years with an option to extend for 3 years and an additional 3 years). The Public Contracts Regulations 2015 (as amended) (PCR) requires relevant contracts over a threshold must comply with the Regulations. The provision of a Healthwatch Service is over the Light Touch Services regime threshold of £633,540, which requires the Council to advertise the opportunity on Find a Tender and on Contracts Finder.

There are no prescribed procurement processes under the light touch regime, therefore the council may use its discretion as to how it conducts the procurement process provided that it: discharges its duty to comply with the retained EU law principles of equal treatment, non-discrimination and fair competition; conducts the procurement in conformance with the information that it provides in the Find a Tender advert; and ensures that the time limits that it imposes on suppliers, such as for responding to adverts is reasonable and proportionate.

The Transfer Of Undertaking Protection of Employment Regulations 2006 (TUPE) apply where service provision changes from one contractor to a new contractor and the activities being transferred are fundamentally the same as the activities being carried out by the previous contractor, therefore if the current provider is not successful then it is likely that TUPE will be applicable. TUPE information will have to be provided in the procurement process.

Providing bidders with sufficient information about the employment liabilities attached to the service to enable them to price their bids appropriately.

The Procurement must comply with the council's Procurement Rules. Under Procurement Rules, Table 1 band (iv) procurements, all procurements exceeding the PCR threshold require a formal tender process with a minimum of five (5) written competitive tenders. The report states that the open procedure will be used.

Procurement Rule 24.2 states that all contracts over £24,999 will need formal conditions prepared or agreed by the Legal Services Team. Legal Services Team will assist with the preparation of the contract.

All Contracts with a value above £500,000 will need to be sealed. This should be carried out by Legal Services.

The decision maker can approve the recommendations provided they are satisfied with the contents of the report and the recommendations represents best value for the council.

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

There are several environmental implications of the provision of Healthwatch service. These include energy use in the building for heating, water use in the bathroom and kitchen

facilities and waste generation by staff. As well as carbon emissions from staff travel. These can be mitigated by ensuring the building is well insulated and uses an efficient heating system, ensuring appliances in the building have a good energy rating, that bathroom and kitchen fittings are water efficient, and that recyclable or compostable waste is separated and disposed of appropriately. The successful providers will demonstrate in the tender how they intend to minimise the environmental impact of the service, and have in place Environmental Sustainability Policies to support Islington in becoming a zero-carbon borough. Additional mitigations put forward by providers include:

- Using economy settings on dishwasher appliances, installing energy-saving printers and photocopier devices.
- Operating a paperless service, using online systems rather than printing.
- Using low energy lightbulbs.
- Encouraging staff to use public transport and promoting a cycle to work scheme.

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 10 May 2021. The main findings can be found below and the full document is attached as an appendix.

Healthwatch has a reach that covers all residents that access health and social care services in Islington. This covers all genders, ages, disability status, sexual orientation, race and religion or belief.

6. Reasons for the decision:

This report recommends re-procuring an Islington Healthwatch service through an open competitive tender. This will allow Islington to comply with the duty under the Care Act 2014 to provide a Healthwatch service.

- 6.1 The current contract has come to an end and there is a contract extension in place until 31 March 2022 so to comply with procurement requirements, a competitive procurement must be completed to continue the service beyond this time.

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:

Name: **Director Adult Social Service** **Date:**

Background papers: None

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Date: 13 July 2021

APPENDIX 1

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Resident Impact Assessment

Re-procurement of Islington Healthwatch Service 2021/22

Service Area: Adult Social Care Strategy and Commissioning

1. What are the intended outcomes of this policy, function etc?

The intended outcomes of the re-procurement of the Healthwatch Islington contract, is to provide a service that represents the views of people who use health and social care services in Islington. The Health & Social Care Act 2012 created Local Healthwatch as the new consumer champion for health and social care services, with a duty on local authorities to set up and fund the new body from April 2013.

Adult Social Care Strategy and Commissioning team intend to re-procure a Healthwatch Islington service to continue to meet our statutory responsibilities, and fulfil the following functions:

- Provide information and advice to the public about accessing health and social care services and choice in relation to aspects of those services;

- Make the views and experiences of people known to Healthwatch England helping it to carry out its role as national champion;
- Make recommendations to Healthwatch England to advise the Care Quality Commission (CQC) to carry out special reviews or investigations into areas of concern (or, if the circumstances justify it, go direct to the CQC with their recommendations, for example if urgent action were required by the CQC);
- Promote and support the involvement of people in the monitoring, commissioning and provision of local care services;
- Obtain the views of people about their needs for and experience of local care services and make those views known to those involved in the commissioning, provision and scrutiny of care services; and make reports and make recommendations about how those services could or should be improved.

The current provider of Healthwatch Islington was successful following an open competitive tender. The contract ends 31st March 2022, and therefore re-procurement is required. Due to the value of the contract over the length of the contract period, this procurement will need an Officer, rather than Executive, Decision.

2. Resident Profile

Who is going to be impacted by this change i.e. residents/service users/tenants? Please complete data for your service users. If your data does not fit into the categories in this table, please copy and paste your own table in the space below. Please refer to **section 3.3** of the guidance for more information.

| | | Borough profile | Service User profile |
|--------------------|-----------------------|-----------------------|---|
| | | Total: 206,285 | Total: 206,285 Healthwatch has a reach that covers all residents that access health and social care services in Islington. This covers all genders, ages, disability status, sexual orientation, race and religion or belief. |
| Gender | Female | 51% | |
| | Male | 49% | |
| Age | Under 16 | 32,825 | |
| | 16-24 | 29,418 | |
| | 25-44 | 87,177 | |
| | 45-64 | 38,669 | |
| | 65+ | 18,036 | |
| Disability | Disabled | 16% | |
| | Non-disabled | 84% | |
| Sexual orientation | LGBT | No data | |
| | Heterosexual/straight | No data | |

| | | | |
|---------------------------|----------------------------|-------------|--|
| Race | BME | 52% | |
| | White | 48% | |
| Religion or belief | Christian | 40% | |
| | Muslim | 10% | |
| | Other | 4.5% | |
| | No religion | 30% | |
| | Religion not stated | 17% | |

3. Equality impacts

With reference to the [guidance](#), please describe what are the equality and socio-economic impacts for residents and what are the opportunities to challenge prejudice or promote understanding?

- Is the change likely to be discriminatory in any way for people with any of the protected characteristics?

The Healthwatch Islington service will represent the voices of all residents in Islington who access Health and Social Care services. The re-procurement of this service will ensure that people with protected characteristics, who may be particularly impacted by their need to access health and social care services, are represented and considered in the commissioning of new and existing services. Consultation will take place with relevant Experts by Experience to ensure that the procurement process is collaborative and considers the needs of the people that will use the service. Any new provider chosen as a result of this procurement process would maintain the same responsibility to represent all residents who access health and social care services, therefore avoiding any group being the subject of discrimination in this process

- Is the proposal likely to have a negative impact on equality of opportunity for people with protected characteristics? Are there any opportunities for advancing equality of opportunity for people with protected characteristics?

The proposal is likely to have a positive impact on equality of opportunity as the Healthwatch Islington service will support people with protected characteristics having an equal opportunity to feedback on their experiences of using services, find out information about services to improve their access, and have their voices represented to the council to be included in the commissioning of services. Healthwatch Islington will be required through the service specification to ensure the voices of people from underrepresented groups with protected characteristics are represented.

- Is the proposal likely to have a negative impact on good relations between communities with protected characteristics and the rest of the population in Islington? Are there any opportunities for fostering good relations?

Healthwatch works in partnership with other voluntary sector and user led organisations in Islington who have a scope to represent communities with protected characteristics. For example, over the past year, they have worked with Arachne, Community Language Support Services, Eritrean Community in the UK, Imece, Islington Bangladesh Association, Islington Somali Community, Jannaty, the Kurdish and Middle Eastern Women's Organisation, the Latin American Women's Rights Service and Disability Action in Islington in a formal partnership where Healthwatch fundraise to support joint work. They are developing a relationship with Choices CIC to reach residents from the Black African Caribbean community

Healthwatch has scope to reach into all communities in Islington and link people who use services together through their common experiences. Healthwatch recruits volunteers from a diverse range of backgrounds, and these volunteers may have a positive impact on good relations between communities.

Healthwatch also work closely with and Islington Borough User Group', Manor Gardens Welfare Trust, Peel Centre. As Chair of the Challenging Inequality workstream they are working with Voluntary Action Islington, London Metropolitan University, City University, Whittington Health, Camden and Islington NHS Foundation Trust and the CCG and as Chair of the All Age Mental Health Partnership Board they are working with Hillside Clubhouse, Nafsiyat, Maya Centre. Through digital inclusion work, as well as working with existing partners, they are working with Mer-IT and liaising with social prescribers (via AgeUK, HOYD and Manor Gardens) and GPs to increase referrals. Good Things Foundation and Digital Unite have highlighted their safeguarding practice in digital as good practice and they hope to work with them more closely going forward.

- Is the proposal a strategic decision where inequalities associated with socio-economic disadvantage can be reduced?

People with disabilities who use health and social care services in Islington may be more likely to experience socio-economic disadvantage. Healthwatch has a targeted role in the representation of people who use health and social care services in the commissioning of those services, which has the potential to ensure services are personalised to the local community. Services may be improved and become more effective in meeting the needs of the community, leading to improved outcomes in terms of health and independence. People experiencing inequalities associated with socio-economic disadvantage will benefit from these service improvements, and therefore this may address elements of these inequalities, such as inequality in physical and mental health.

4. Safeguarding and Human Rights impacts

a) Safeguarding risks and Human Rights breaches

Please describe any safeguarding risks for children or vulnerable adults AND any potential human rights breaches that may occur as a result of the proposal? Please refer to **section 4.8** of the [guidance](#) for more information.

Healthwatch Islington employees and volunteers have direct and indirect contact with vulnerable adults in Islington who may be at risk. They also have scope to 'Enter and View' health and social care services where vulnerable adults may be treated, may live or may be visiting. They may also have contact with children. Therefore it is essential that the requirements placed on Healthwatch Islington through the service specification and contract include a requirement that all employees and volunteers of Healthwatch Islington are provided with safeguarding training in relation to protecting both children and vulnerable adults. This will ensure individuals are aware of their responsibilities under safeguarding legislation to report safeguarding concerns, and how to do so. Employees and volunteers should also have regular DBS checks. Healthwatch Islington will have safeguarding policies in place that are updated regularly, and reviewed as part of contract monitoring processes.

If potential safeguarding and human rights risks are identified then **please contact equalities@islington.gov.uk to discuss further:**

5. Action

