

Strategic Commissioning & Investment
222 Upper Street N1 1XR

Report of: Director of Adult Social Care

Date: 11 December 2023

Ward(s): All

Appendix A to this report is exempt from publication

Subject: Contract Award for Supported Living Accommodation for Service Users with Learning Disabilities – Windsor Street (Rosehip House)

1. Synopsis

- 1.1. This report seeks approval to award a contract for the provision of the care and support element of supported living provision for adults with learning disabilities at Rosehip House, Windsor Street.
- 1.2. A procurement process has been concluded for the provision of eleven (11) supported living units for adults with a learning disability, delivered from a new build site based at Windsor Street in Islington, which is due to be completed by the end of February 2024.

2. Recommendation

- 2.1. To approve the award of the contract for a Supported Living Service for Adults with Learning Disabilities based at Windsor Street to Learning Disability Network London (LDN London) for a period of up to a maximum of nine (9) years, with an estimated start date of 14th February 2024 at an annual core contract value of £581,249.00.

3. Date the decision is to be taken.

3.1. 11 December 2023

4. Background

4.1.1. The Council is ambitious about commissioning high quality supported living provision to meet the needs of residents who are unable to live in their own home, providing a pathway to more independent living and the opportunity to reach their potential and enjoy a good quality of life.

4.1.2. Islington's Adult Social Care Market Position Statement 2021-2024 sets out its commitment to ensuring that people with learning disabilities are supported to live as independently as possible, in their local communities and close to friends and family.

4.1.3. This service supports Islington's Adult Social Care vision for Islington to be a place made up of strong, inclusive, and connected communities, where regardless of background, people have fair and equal access to care and support that enables residents to live healthy fulfilling and independent lives.

4.2. **Nature of the service**

4.2.1. The contract to be awarded is a supported living service, with 24-hour support, for adults with learning disabilities, some of whom may also have additional support needs, including physical disabilities, behaviour that challenges and /or profound and multiple learning disabilities. Their primary need for care and support under the Care Act relates to having a learning disability.

4.2.2. The service will be delivered from new purpose-built accommodation on Windsor Street, Islington providing eleven (11) new homes for residents with learning disabilities. Four (4) units at ground floor level are fully wheelchair accessible and share a combined living, kitchen, dining room with additional assisted bathroom. In addition, there are seven (7) self-contained flats (two (2) fully wheelchair-accessible; five (5) wheelchair-adaptable on the upper levels).

4.2.3. The property will be managed by a Housing Management Provider pursuant to a separate Housing Management Contract that will run concurrently with this contract. The housing management provider will be required to sub-lease the property to the Provider at an agreed rate and both Providers will be required to work together.

4.2.4. The building has been designed with input from the Islington Learning Disability Partnership, family carers, service users and through public consultation, to ensure the design accommodates people with a range of support needs including those who have additional physical disabilities, are wheelchair users and may need a high level of individual support and care with managing their daily lives.

4.2.5. The service will ensure that residents are supported appropriately to meet their needs related to their health, wellbeing and safety in the community, and ensure that residents can remain in the borough, are close to their family support networks, and have continuity of care and support.

4.2.6. In line with other commissioned learning disability supported living services in Islington the service is specified as a 'core and flexi' model to support individuals' choice, freedom, and control. This is in line with both local and national learning disability and autism policy and strategic vision. It is envisioned that through the provision of this scheme, individuals' lives will be improved, and the costs associated with inappropriate care will be avoided.

4.3. **Estimated value.**

4.3.1. The contract will be for a period of nine (9) years, with break clause options available for the Council to terminate the contract annually after year three. The annual core contract value is £581,249 and the total contract value for the maximum duration of the contract, will be £5,231,241. This will be funded through the personal budgets of the eleven (11) tenants and is slightly less than officers estimated in the original financial modelling.

4.3.2. The 'core' and 'flexi' model means that in addition to the core annual budget, the successful provider will be responsible for managing the individual service funds (ISF) for residents residing at the scheme. The ISF amount paid to the provider is based on the actual need of the client and the ISF budget will be subject to change (both up and down) according to subsequent changes in need for each client. The ISF (lead) provider can charge up to £20 per month per client to manage their ISF.

4.4. Options appraisal

4.4.1. A detailed options appraisal was included in the [procurement strategy](#) which was approved by the Executive on 9 February 2023. A summary of the three procurement options explored is set out below:

Option	Recommendation
1. Procure the service using a competitive tender	Recommended
2. Collaboration with other boroughs	Not recommended
3. In-sourcing	Not recommended

4.4.2 Section 4.4 of the original Procurement Strategy stated:

It is anticipated that adults living at the scheme will be tenants and Islington Council will be their landlord. The benefits of the Council building this provision and acting as the landlord for the scheme include:

- *the council being able to ensure the high-quality maintenance of the building*

Since the approval of the Procurement Strategy and following the commencement of the procurement, officers determined that it would be more beneficial for the services if the substantive housing management and repairs obligations were undertaken by a different provider to that providing the care and support services covered by this contract. Consequently, officers notified providers participating in this procurement of the change in their obligations. Officers have also commenced steps to procure the separate Housing Management Contract as referred to in paragraph 4.2.3 above.

4.5. Key Considerations

4.5.1. Social Value

Social Value was apportioned 20% in the weighting of the award criteria and the successful bidder outlined in their bid a range of commitments that contribute towards social value. Themes included:

- Local Recruitment
- Supporting access to the local community
- Supporting local employment initiatives

4.5.2. London Living Wage

Payment of the London Living Wage will be a condition of the contract.

4.5.3. Best Value

The service will be monitored on a quarterly basis to ensure ongoing best value, reviewing activity levels and evidence of outcomes achieved against the key performance indicators in the service specification and look at ways to ensure continuous improvement of the service.

4.6 **Evaluation**

- 4.6.1 The tender was conducted in one stage, known as the Open Procedure, as the tender was 'open' to all organisations who expressed an interest. The Open Procedure included minimum requirements which organisations had to meet before the rest of their tender was evaluated.
- 4.6.2 Twenty (20) providers submitted compliant tenders, of these, six (6) providers met the minimum requirements of the suitability assessment and their method statements were evaluated against the published award criteria. Of the six (6) providers, three (3) providers met the minimum quality standards in order for their pricing schedule to be evaluated against the published award criteria. One provider is recommended for contract award.
- 4.6.3 As referred to in paragraph 4.4.2 above, following receipt of tenders the Council decided to remove the Housing Management requirements from the care and support contract and change the basis on which the care and support provider will occupy the property from lessee of the Council to sub-lessee of the Housing Management Contractor. To ensure this change did not impact the price providers had submitted as part of the tender and give providers the opportunity to price the contract correctly, the Council decided to invite those providers who had satisfied the minimum requirements to submit a revised Pricing Schedule. The revised Pricing Schedule submitted by the providers was then evaluated according to the published award criteria. The scores from the revised Pricing Schedule were used as the Price score to be added to the Quality score to determine the award of the Contract.
- 4.6.4 Tenders were evaluated according to the award criteria below. The contract award is based on the Most Economically Advantageous Tender based on 70% quality (of which 20% was allocated to social value), and 30% cost.

Award Criteria	Total
Cost	30%
Quality – consisting of:	70%
Proposed approach to service delivery model\achieving outcomes\personalisation	20%
Proposed approach to health and safety of service users and staff (including safeguarding people who use services from the risk of abuse\danger)	20%
Proposed approach to Social Value	20%
Proposed approach to staff recruitment and retention, skills, development, and supervision	10%

4.6.5 This report recommends awarding the contract to the organisation that had the highest combined score for cost and quality. The results of the tender evaluation are set out in Exempt Appendix A.

4.7 Risks and Mitigations

Risk	Mitigations
Delay to the building completion date	Commissioning officers attend Project and Design meetings monthly with the New Build Team and building contractor to monitor any delays/ risks/ issues with the progress of the build.
Delays to the recruitment of a stable staff team	As part of their bid, the successful bidder outlined how they would ensure a stable team was in place once the service opened. They will continually review potential gaps in staff skills and target recruitment accordingly. The successful bidder also has comprehensive job descriptions that can be tailored to the individual needs of tenants.
Delays to full occupation	Potential tenants are being identified by Islington Learning Disability Partnership.

	<p>A transition steering group will be established to ensure staffing is in place to support move in of eleven (11) tenants.</p> <p>Mobilisation is estimated at three (3) months which will be enough time to ensure that the building is fully occupied</p>
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A comprehensive risk analysis was completed in the procurement strategy that was approved on 9 February 2023.

- 4.7.1 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 tenders 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 proven re-occurrences. All tenders were assessed as being compliant with the above legislation.

5. Implications

5.1. Financial Implications

The purpose-built accommodation at Windsor Street will provide 11 new homes for residents with a learning disability and the scheme will be utilised to provide appropriate accommodation for individuals currently placed in out-of-borough spot placements, young people transitioning to adults' services and for service users where it is no longer suitable for them to continue to live with their family carer.

The Windsor Street service will be a commissioned supported living contract within the Islington Learning Disabilities Pooled Budget, to which the London Borough of Islington contributes 87.7% and North Central London ICB (Islington) contributes 12.3%.

The length of the contract is for nine years with a break clause option available for the council to terminate the contract annually after year three. The cost per annum for the core contract will be £581,249. Therefore, the maximum estimated total

cost of the new core contract for delivery of this service to Islington Council will be £5,231.241.

In addition to the core annual budget the successful provider will be responsible for managing the individual service funds for residents residing at the scheme. The estimated annual budget for ISF's for residents (based on original financial modelling) is £467,296. This includes an allowance of £20 per month per client to manage the client's ISF. The ISF budget will be subject to change (both up and down) according to subsequent changes in need for each client.

If the facility is not fully occupied this will potentially create a budget pressure, therefore occupancy needs to be closely monitored.

This procurement will contribute to the Learning Disability MTFs Savings 2023/24 & 2024/25.

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

Any uplifts will be managed as part of the Adult Social Care annual provider uplift process.

5.2. **Legal Implications**

5.2.1. The Council has power to procure and enter into this contract pursuant to Section 111 of the Local Government Act 1972, Section 1 of the Local Government (Contracts) Act 1997 and Section 1 of the Localism Act 2011.

5.2.2. The nature of the services required pursuant to the Contract are such that the procurement of the Contract falls within the "Light Touch Regime" as set out in Regulations 74 to 77 of the Public Contracts Regulations 2015 ("the Regulations"). Whilst officers have, in the main, procured this Contract in accordance with the Open Procedure as set out in the Regulations, the flexibility provided by the Light Touch Regime has also been utilised to enable officers to review the tenders submitted in stages. The procurement has also been undertaken in compliance with the Council's Procurement Rules.

As detailed in the Report, following receipt of Tenders officers determined that the substantive housing management and maintenance and repair for the property should be undertaken by a specific housing managing contractor rather than the provider awarded this Contract as was included in the tender documents issued for the procurement of this Contract.

- 5.2.3. Whilst, it was determined that the change in housing management obligations was not so substantive to require the Council to terminate the procurement process, to ensure that all providers participating in the procurement were treated equally and had priced their Tender in accordance with the correct housing obligations, as referred to in paragraph 4.5.3 of the report, officers invited providers who satisfied the minimum requirements for their Tender to be valid to submit a new Pricing Schedule that reflected the changed requirements, especially in respect of costs for staff and office space, general maintenance and utilities. It was not necessary to invite revised Method Statements as the housing management responsibilities did not form any part of the Quality submission. As the Council treated all providers equally in this regard and evaluated the re-submitted Pricing Schedules in accordance with the advertised Award Criteria the Council has conducted a fair and transparent procurement for this contract.
- 5.2.4. The Director of Adult Social Care has power to award this Contract pursuant to the Executive decision dated 9 February 2023, subject to being satisfied that they have the requisite level of delegated financial authority and that the Contract is to be awarded to the organisation achieving the highest total score for their Tender and that it represents value for money for the Council.

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

- 5.3.1. An environmental impact assessment was completed and reviewed in June 2022. The main environmental impact from this procurement will be from the use of the building by the service provider. These will include energy and water use, consumption of materials, and the generation of waste, including clinical waste, all of which have potential carbon emissions. There will also be transport-related impacts from staff and visitors travelling to and from the service. This can be mitigated by contractual arrangements on aspects such as energy efficient products. The successful bidder outlined their commitment to minimise the environmental impact of the service in their bid through:
- supporting purchases of electrical equipment with Grade A efficiency ratings.
 - using accessible information for highlighting ways to reduce energy consumption for tenants at events and through the Tenant's Handbook.
 - education regarding smart-meters, LED lighting and switching off appliances including computers, TVs, and chargers as stealth devices.

They also outlined their commitment to promoting green travel by:

- encouraging walking – as a good form of exercise, travel-training and engagement with the local community.
- cycling – They have installed secure bike-racks at all offices, pay an allowance for mileage and have a loan-scheme for the purchase of bicycles.
- public transport – Providing travel-training which promotes independence and less reliance on cars. use of local shops / markets to reduce carbon footprint.

The developer has ensured that the building is well-insulated and uses an efficient heating system; 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.

5.4. **Equalities Impact Assessment**

- 5.4.1. 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.
- 5.4.2. An Equalities Impact Assessment is not required in relation to this report, because an Equalities Impact Screening Tool was completed in October 2022, which indicated that the impact on residents across all protected characteristics would be neutral or positive and therefore a full EQIA is not required.

6. Conclusion and reasons for the decision

- 6.1. This report recommends awarding a new contract to Learning Disability Network London for the delivery of the Supported Living Service at Windsor Street for up to nine (9) years from the anticipated start date of 14 February 2024. Learning Disability Network London was assessed as being the most economically advantageous tender in respect of both quality and price. This will ensure that residents residing at the scheme are continued to be supported appropriately with their health, wellbeing, and safety in the community.

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: **Director of Adult Social Care**

Date: 11 December 2023

Appendices:

- Appendix A: Exempt Appendix

Background papers:

- NA

Report Author: Jane Watson, Commissioning Officer

Email: jane.watson@islington.gov.uk

Financial Implications Author: Timothy Johnston, Assistant Finance Manager

Email: Timothy.Johnston@islington.gov.uk

Legal Implications Author: Clive Sheldon, Senior Lawyer

Email: clive.sheldon@islington.gov.uk