



**Executive
15 June 2009**

**Report from the Director of
Housing and Community Care**

Wards Affected:
None

Authority to tender for housing support services for families, and associated supporting people contract issues

Forward Plan Ref: H&CC-08/09-31

1.0 Summary

This report seeks authority to invite suitable providers to tender for three framework Agreements as required by Contract Standing Orders 88 and 89. The three Framework Agreements will be for the provision of Supporting People funded floating support services for vulnerable families with a range of support needs.

The report additionally seeks Executive authority to extend current Supporting People Family (Families, Refugees and contracts up to 31st January 2011.

Current Family contracts will expire on 1st April 2010 and the extension is sought in order that it is tied in with future procurement.

2.0 Recommendations

- 2.1 The Executive to approve the pre - tender considerations and the criteria to be used to evaluate tenders for three Framework Agreements for housing support services as set out in section 6.12 of this report.
- 2.2 The Executive to approve officers to inviting tenders for three Frameworks for housing support services for families as described in paragraph 6.12 of the report and evaluate them in accordance with the approved evaluation criteria referred to in paragraph 2.1above

2.3 The Executive to approve a further extension of Supporting People contracts for Families as specified in sections 5 and section 7 of the report up to 31st January 2011.

3.0 Background – Supporting People

3.1 The Supporting People (SP) Programme is a national programme to commission the provision of housing related support services for vulnerable people to help gain, increase or maintain their independence. Supporting People funds the provision of “floating support services” (support to service users in their own home where the support worker moves to support someone else when support is no longer needed) and “accommodation based services” (support tied to accommodation where the client living in a hostel or supported housing scheme receives support as a condition of occupation).

3.2 The SP Programme commenced in April 2003. The Programme in Brent is £12.8 million for 2009/10.

3.3 Members will recall that at their meeting in May 2007, they approved the Supporting People Commissioning Framework setting out a procurement programme for Supporting People Services over a five-year period. This tendering project is part of the plan set out in the programme. Family services are all included in the programme and due to be tendered in 2009-10.

3.4 At the end of 2008 the decision was taken to complete a strategic review of Family services funded by Supporting People which was completed in April 2009. On this basis a report was presented to the Commissioning Body in May 2009 recommending the tendering of these services, and setting out how they should be packaged in one or more framework agreements. The Commissioning Body agreed that Supporting People funded services for people with Families needs be re-tendered to appoint providers to one or more Framework agreements.

4. Strategic Review of SP services for Families

4.1 The strategic review of 2008 concluded that:

- Services should be re-specified to provide structured and intensive floating support to families with a range of complex needs and that these services focus on working jointly with a range of stakeholders to improve outcomes for vulnerable families.
- The complex needs addressed should include mental health issues, physical health needs, substance misuse, domestic violence, improving parenting skills and capabilities, overcrowding, anti-social behaviour, tenancy breakdown, mortgage arrears, and other emerging complex needs.
- The option of commissioning and tendering services for families alongside those for domestic violence should be explored and pursued where appropriate.
- Increase links and access between available statutory and non-statutory services/third sector organisations should be strongly

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encouraged to ensure families are able to benefit from the full range of services available in the borough.

- All re-specified specialist Family Support services should have a staff/client ratio of no more than 1:15. (There is no intention to purchase specialist support at low staff/user ratios. People requiring low levels of support will be directed, in future, to generic floating support services which provide support to meet a range of needs).
- Services specifically for Traveller and Gypsy groups, with complex needs are to be included in the re-specification
- Services specifically for Refugees and BME groups, with complex needs are to be included in the re-specification
- Services need to be skilled in providing support to families experiencing Domestic Violence, and other complex needs
- All referrals are to be directed through STARTPLUS
- Providers must have the skills, experience and qualities necessary to work holistically with families and to work with partners to address the full range of issues relevant to vulnerable families.

4.2 The intention is to re-model and expand these services within the contract tendering proposed in this report. However in relation to the need to address domestic violence, a Separate Strategic review in relation to Domestic Violence is ongoing, and recommendations on tendering services for those suffering domestic violence, including family support, will reported to the Executive within the next few months.

5. Current Pattern of SP Funded Provision of Family Housing Support

5.1 The current pattern of SP funded services is set out below:

Supporting People currently funds 3 housing-related support services for Families to a total cost of £578K. This represents approximately 5% of the total SP budget. A total of 146 families/people receive these specialist services.

Supporting People fund an accommodation-based housing support service for 48 families housed in Temporary accommodation by the Council. There are also two floating support services funded, comprising of one service which caters for 83 families with complex needs and a specialist floating support service addressing the complex needs of the Somali and other BME communities (15 families).

5.2 The range of SP funded Family housing support services provided in the borough includes:

Existing Floating support for Families:

Provider	Units	Staff: Client ratio	Weekly cost per person	£000/Annum cost
Provider 1 (I-Serve)	15 users – floating support	1:15	£53.11	42
Provider 2 (London Borough of Brent Care and Support Team)	83 users – Floating support	5:78 (1:15.6)	£131.46	327

Accommodation based services for Families:

Provider	Units	Staff: Client ratio	Weekly cost per person	£000/Annum cost
Provider 3 (Stadium Housing – Also used as Temporary Accommodation)	Accommodation based support 48 units	3 staff (1:16)	£63.44	209

In total 146 families are supported with the total funding allocation of £578K. It is envisaged that an indicative saving of £50K will be made with the total funding allocation reduced to approximately £528K whilst continuing to support 146 families.

5.3 **Consultation- Family Services**

All current Supporting People providers of services for Families are aware of the revised procurement timetable (see section 6 below) and current providers have expressed an interest to continue to provide support services to their users until the tender process has been completed and new providers are appointed. It will be open to the Council’s Care and Support Team to submit an in-house bid.

5.4 **Service users**

During the Strategic Review of Family housing support services, significant consultation took place with existing service users of SP funded housing support services. This was to ascertain their views on the current service and where they saw themselves in the future. Key points that emerged from the consultations were:

- A high number of families were reported as highlighting the need for more publicity of family services available and assistance in dealing

with complex needs such as Substance misuse, Domestic violence, Mental Health and other needs

- A high number of families stated that help and advice should be available at the point people presented to the Housing Advice Team and Housing Resource Centre
- Generally, people strongly highlighted the need for support around benefits/tenancy advice, choice based letting (bidding), help with childcare/schooling/parenting, and help to access employment and training
- Translation and communication of information is an issue for some families
- Most people did not appear to understand other options for overcrowded families other than bidding for scarce property
- A few people raised concerns about not knowing who was dealing with their case (if they were in a reception centre or other temporary accommodation)
- Generally people should be more informed of different Family facilities and other support services and information on for example parenting and child care needs and issues/schooling facilities
- There were some more specific concerns about getting accommodation that allowed families to work, given the rental price of some of the reception centres and longer leased accommodation
- General points that services could be more respectful and flexible for families were also made. It should be noted that this could include all council services.
- Lack of good quality advice

5.5 User representative(s) have been identified who can assist in the selection process for providers of family services. Service users will take part in the site visits and interviews of providers.

5.6 Stakeholders / Partners

Stakeholder and provider consultation at a recent event identified the following gaps in existing services:

- Access and lack of suitable accommodation for users is still an issue
- Single Access point required (now addressed by STARTPLUS in Brent)
- Preventative services are required, not crisis led services for the community
- More provision in dealing with complex needs such as drug and alcohol issues, domestic violence and dealing with anti-social behaviour, Teenage parent needs
- Focus on specific targets such as NEETs (young people Not in Education, Employment or Training and their families)
- Dealing with NEETs and complex needs (Mental Health and other complex needs)
- The Services available need to be promoted
- Address health inequalities and access routes for families with complex needs

- Tailored support for Refugees
- More support on income maximisation
- Partnership working needs to be strengthened to ease information sharing
- Access to sports and other facilities to prevent anti-social behaviour and work with the Safer Neighbourhood team
- Support needs for Travellers/Gypsies need to be addressed.

5.7 All current Family Supporting People providers are aware of the procurement timetable (see section 6 below). It is envisaged that trained users will be involved to some extent in the evaluation of the procurement exercise. This will include participation in site visits and interviews.

6. Proposals for Tendering

6.1 The Supporting People Team propose that current services are reconfigured into three framework agreements for floating support services that can provide structured and intensive support to families with a range of complex needs and maintain a ratio of no more than 1 staff member to 15 families. There will no longer be any accommodation based services. The services would focus on working jointly with a range of stakeholders such as Children and Families Parenting, Family welfare services, the Drug and Alcohol Action Team (DAAT), Health services, Housing and other organisations to improve outcomes for vulnerable families.

6.2 The complex needs addressed could include mental health issues, physical health needs, substance misuse, domestic violence, improving parenting skills and capabilities, overcrowding, anti-social behaviour, tenancy breakdown, and other emerging needs in the borough.

6.3 The three Framework agreements will be as follows:

- (a) Families who may have a range of Complex needs (domestic violence, mental health needs, substance misuse issues, poor parenting skills or capabilities anti-social behaviour issues, tenancy breakdown, overcrowding, mortgage arrears).
- (b) Traveller and Gypsy families who may have complex needs taking into account any emerging needs in the future
- (c) BME/Refugee families who may have complex needs taking into account any emerging needs in the future.

The essence of a framework agreement is that it provides a flexible framework for services where the size and nature of the contract requirement is not known in advance. A series of call-off contracts can be placed over the lifetime of the framework agreement. As these services are quite specialised , there will only be one provider per framework.

6.4 The objective of this tender exercise is to improve the quality of housing support services. In providing Housing Support Services to Families, providers will need to demonstrate sensitivity to ability to provide ethnically and culturally sensitive services and respond to the needs of Brent's diverse

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communities and be able to link in with different partner agencies and agendas. At the start of the framework agreements, there will be major call-off and contracts will be awarded to the tenderer(s) who submitted the most economically advantageous tender, for service users in receipt of services at that point, however call-offs can then be made as required.

6.5 The exact requirements and quantities of housing support needed for Families will be outlined in a detailed service specification. Currently, 10 staff are providing support to approximately 146 users and delivering an average of 350 hours/week. With the three SP Frameworks proposed, it is envisaged that a range of 176 to 200 users will be supported at a cost of £20-25/hr, with a range of between 12 to 13 full time support workers. The overall resources needed to provide these services will be a maximum of £528K. This will be within the current Supporting People budget as a saving of £50K will have been made.

6.6 For the Framework, Officers are recommending that the period for the contracts is 2 years with an option for a 2 year extension, where performance is satisfactory.

6.7 Monitoring

SP funded services will be monitored by the Supporting People Unit. The current providers are required to submit quarterly monitoring data on their performance to the Supporting People Team and attend regular meetings for this. In addition to these meetings the Supporting People Team will also conduct an annual Quality Assessment Framework review of the service.

6.8 It is proposed that monitoring of the new contracts will be more service user centred, outcome focussed, and providing good quality services within the resources available. Annual service user satisfaction surveys will also be carried out. The future provider will also be asked to submit regular monitoring data that is required by the various statutory funding agencies, which informs the National Performance Indicators. All monitoring will be carried out by the Supporting People Team and will also draw on stakeholder feedback. This will include appointment of a lead contract manager and annual performance review meetings.

6.9 It is envisaged that services joint working will be monitored through the Quality Assessment Framework and Common Assessment Framework which will have specific performance indicators and outcomes set. These will include successfully helping Families to live independently, be supported during various difficulties and maintain their family unit by being signposted to services and the support worker being skilled in identifying complex needs and issues such as Substance misuse, Domestic Violence and Possible Child Protection concerns and other complex needs.

6.10 Access to Services

6.11 Access to all the newly commissioned floating support and supported housing services will be through the central referral route (START Plus) which is managed within Housing and Community Care.

6.12 Pre-Tender Considerations

In accordance with Contract Standing Orders 88 and 89, pre-tender considerations have been set out below for the approval of the Executive.

Ref	Requirement	Response
(i)	The nature of the service (three framework agreements).	<p>Floating and Outreach Support for Families with Complex Needs</p> <p>Three Framework Agreements structured as:</p> <ul style="list-style-type: none"> (a) Families who may have a range of Complex needs (including Domestic Violence, Mental Health needs, substance misuse issues, poor parenting skills and capabilities, anti-social behaviour issues, tenancy breakdown, overcrowding, mortgage arrears) (b) Refugee and BME Families who may have complex needs taking into account any emerging needs in the future (c) Traveller and Gypsy families who may have complex needs taking into account any emerging needs in the future.
(ii)	The future estimated value of all contracts:	One provider will be appointed to each Framework Up to £578K per annum (£2.31m over 4 years) it is envisaged that an indicative saving of £200K will be made over 4 years (revised value £528K per annum, or £2.11m over 4 years)..
(iii)	The contract term	The frameworks will be for a maximum 4 year contract term - 2 years with an option to extend for a further 2 years.
(iv)	The tender procedure to be adopted:	<p>Formal tendering (including advertising) with a two stage process leading to the appointment of providers to three frameworks, in accordance with the Council's Standing Orders (96(c). Evaluation will be on the basis of the most economically advantageous tenders.</p> <p>As Health and Social Services transactions are 'Part B Services' for the purposes of the EU regulations, the Regulations are of residual application only (general duties of fairness and transparency, forwarding of a contract award notice, etc.) and do not dictate the procurement process to be followed.</p>

(v)	Procurement timetable	<p>Indicative dates are:</p> <p>Adverts placed</p> <p>Seminar for Interested Parties</p> <p>Expressions of interest in the form of the Council's Pre-Qualification Questionnaire returned</p> <p>Shortlist drawn up in accordance with the Council's approved criteria</p> <p>Invite to tender /Framework agreement</p> <p>Deadline for tender submissions</p> <p>Site Visits</p> <p>Panel evaluation and shortlist for site visit</p> <p>Interviews/presentations</p> <p>Tender Evaluation</p> <p>Report recommending Contract award circulated internally for comment</p> <p>Executive approval</p> <p>Contract award</p> <p>Contract start date</p>	<p>Sept/Oct 2009</p> <p>Oct 2009</p> <p>December 09</p> <p>December 09</p> <p>Jan 2010</p> <p>March 10</p> <p>March/April 2010</p> <p>April/May 2010</p> <p>June 2010</p> <p>June 2010</p> <p>July/Aug 2010</p> <p>September 2010</p> <p>September 2010</p> <p>31st January 2011</p>
(vi)	<p>The evaluation criteria and process. Weighting of 50% for cost and affordability and 50% for quality will be applied.</p>	<p>Shortlists of those to be invited to tender are to be drawn up in accordance with the Council's Contract Management and Procurement Guidelines namely the pre qualification questionnaire (PQQ) and thereby meeting the Council's minimum standards of financial standing, technical capacity and professional and technical expertise.</p> <p>Appointment to the Frameworks will be made on the basis of the most economically advantageous offers, with the tenders to be evaluated against the following evaluation criteria: Tendered Price (50% weighting) Quality assessment (50% weighting) using the following criteria:</p>	

		<ul style="list-style-type: none"> • Method of service delivery within Brent • Service User involvement and choice including the service provider's ability to respond flexibly to the specific needs of the respective service user groups and the ability to facilitate involvement of service users in the shaping and delivery of services they receive. • Methods for ensuring Quality performance and good outcomes, including demonstration of how service standards will be maintained and monitored. • Approach to working with families with complex needs/issues, including approach to delivering flexible solutions which are responsive to varying service user needs (Domestic Violence, Substance misuse, poor parenting skills and capabilities, anti-social behaviour issues, tenancy breakdown, overcrowding, mortgage arrears) with service provider(s) for the Refugee and BME framework and for the Traveller and Gypsy framework respectively being evaluated on their approach to delivering flexible solutions responsive to the needs of those specific user groups. • Approach to Partnership working with the council and other agencies.. • Added Value and innovation.
(vii)	Any business risks associated with entering the contract.	All existing providers are locally based organisation working with Families with varying needs in the borough. The contract(s) to be tendered will represent a significant portion of their business. However no particular business risks for the Council have been identified
(viii)	Any staffing implications, including TUPE and pensions	See sections 9, and 11 below
(ix)	The Council's Value for Money considerations.	This procurement process and on-going contractual requirement will ensure that the Council's Best Value obligations are met. Tenderers will be invited to submit specific proposals on ensuring what is the most the most economically advantageous tender, on the basis of a 50% weighting for cost and 50% weighting for quality issues. There will an assessment of detailed evaluation criteria as stated in (vi).

(x)	The relevant financial, legal and other considerations.	See sections, 8, 9, 10 and 11 below
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6.13 The Executive is asked to give its approval to the proposals as set out in the recommendations and in accordance with Standing Order 89.

7. Extension of contracts

7.1 The SP funded Family contracts listed in paragraph 5.3 above are due to expire in April 2010. It is proposed that all existing contracts listed in section 5, which have been identified as strategically relevant and eligible for Supporting People funding, should be extended for good operational and financial reasons until 31st January 2011. All three existing providers are providing a good service and meeting performance requirements. This will ensure stability of the service during the period of tendering, and allow for the tendering timetable to be followed..

8. Financial Implications

8.1 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £500k or works contracts exceeding £1million shall be referred to the Executive for approval to invite tenders and in respect of other matters identified in Standing Order 89.

8.2 The current combined annual value of all Family Supporting People contracts is £578K. Following retender, the total available funding from the Supporting People budget will be approximately £528K resulting in an indicative annual saving of £50K. There will be no increased funding provision, it is likely that the total amount of contract expenditure will reduce to no more than £2.11million over 4 years, as stated in 6.10 (ii), and it is envisaged that the number of support hours/capacity purchased may be increased. The expectation is that re-tendering the services will lead to an increased value for money and greater efficiency savings.

8.3 There will be costs incurred in the contract process for professional advice, particularly legal. The cost of these contracts, including those for professional advice, will be funded from existing resources within the Supporting People budget.

9 Legal Implications

9.1 The Council has the necessary powers (and in some cases, duties) to enter into the proposed contracts under (amongst other provisions) s21 and s26 of the National Assistance Act 1948, the Supporting People Grant Conditions, section 1 of the Local Government (Contracts) Act 1997 and s2 of the Local Government Act 2000.

- 9.2 The estimated values of the framework agreements over their lifetime are in excess of £500K therefore the procurement and award of the framework agreements are subject to the Council’s Contract Standing Orders in respect of High Value contracts and Financial Regulations. Standing Orders require the following of a formal tender process including advertisement.
- 9.3 The services, are part B Services under the Public Contracts Regulations 2006 (“EU procurement Regulations”) and are not therefore subject to the full application of the EU Procurement Regulations. They are however, subject to the overriding EU principles of equality of treatment, fairness and transparency in the award of the contracts. Non-discriminatory language must be used in the Specification, and a contract award notice will need to be sent to the Official Journal of the European Union.
- 9.4 Once the tendering process is undertaken Officers will report back to the Executive in accordance with Contract Standing Orders, explaining the process undertaken in tendering the framework agreements and recommending awards of contracts.
- 9.5 All employees of current providers will potentially transfer under transfer of undertakings legislation (TUPE) to new providers wherever current providers do not retain a contract. One of the current Family contracts is delivered by the London Borough of Brent Care and Support Team and a Service Level Agreement is in place (SLA) and a total of up to 8 staff will be affected by the tender. Their status will need to be investigated and appropriate steps taken before Invitation to Tender stage. It may be that such staff may transfer to a new employer under TUPE as a result of the proposed tendering process. Under TUPE the Council will have obligations to inform and consult the relevant trade unions representing any employees affected by the transfer and to give prior to the transfer certain information about transferring employees to the new employer.
- 9.6 These officers will also need to ensure that the requirements of the Best Value Authorities Staff Transfers (Pensions) Direction 2007 are met. This Direction requires the Council to ensure the protection of the pension rights of Council staff or ex-Council staff transferring to a contractor under TUPE as a result of an outsourcing process.
- 9.7 Under the Council’s Constitution, where a contract does not have provision for extension, a Chief Officer can extend the contract (with an original term of at least a year) by a maximum of a year. This power has already been exercised in relation to the contracts referred to in section 5 and so Executive approval for the further extensions is required. Because these services are Part B services under the EU procurement Regulations then there is no breach of those Regulations in extending the contracts.

10 Diversity Implications

- 10.1 Contracts currently require providers of housing support services to deliver services which are

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- culturally sensitive by providing cultural awareness training for all workers, matching specific language requirements where possible and recruiting a workforce which reflects the communities of Brent;
- able to offer service users a male or female support worker if specifically requested

10.2 The new contracts will continue to require providers to deliver services in this way. In addition partnering arrangements with local community groups and specialist providers will be encouraged to ensure that a diverse range of services can be provided to meet the specific ethnic and cultural needs of service users. The contracts will focus on providing specialist services, for families with complex needs.

10.3 The specific need for culturally specific services has been evidenced through research such as:

- For the Refugee Community – Publications from the Refugee Council, Asylum and Immigration Act 2002
- For the Travellers/Roma Gypsy Community
 SP 5 Year Strategy 2005-10
 ODPM Circular 1/2006
 The Road Ahead: Final report of the Independent Task force on Site Provision and enforcement for G&T

These reports highlight the need for the development specific services due to the differences in:

Life Experience - Sexual/physical abuse/DV, caring responsibilities, exposure to trafficking for refugees and asylum seekers, displacement, staying away from authorities, lack of take up into education and health services

Socio-Economic realities - Poverty, pay differences, being a minority in leadership positions, legislation imposing employment restriction for refugees and Asylum seekers

Preferred pathways into services – Accident and Emergency route due to not registering with GP's

Support needs and responses – Preferring Community based informal services.

10.4 While it is unlawful for a public authority to discriminate on grounds of race in the provision of services, the availability of the main contract which can be accessed by all racial groups should be managed to ensure that all potential service users can access services without discrimination.

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11. Staffing Implications

- 11.1 In the case of one current contract up to 8 Council staff are currently delivering the services. There may be TUPE implications for these staff as stated in section 9.4. Appropriate consultation will commence as soon as possible.
- 11.2 The assumption is that TUPE may apply to those Council staff providing a service that will be included in the tender process. This will be assessed before the start of the tendering process and re-assessed at its conclusion.
- 11.3 Council policy concerning the protection of accrued and future pension rights of Council employees transferring to a private or voluntary sector employer, will need to be followed in the tendering process (see also legal comments).

Background Papers

Supporting People Grant Conditions (CLG)
Brent Five Year Supporting People Strategy 2005/10
Strategic Review of Family Services April 2009

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