



**Executive**  
19 September 2012

**Report from the Directors of Children  
and Families and Adult Social  
Services**

Wards Affected:  
ALL

**Authority to award framework agreement for provision of carer  
related short break, home based support and respite services for  
Adult Social Services and Children and Families**

**Appendices 1 and 2 of this report are “Not for Publication”.**

## **1.0 Summary**

- 1.1 This report requests authority to award a Framework Agreement as required by Contract Standing Order No 88. This report summarises the process undertaken in tendering this contract and, following the completion of the evaluation of the tenders, recommends which organisations should be appointed to the Framework Agreement.

## **2.0 Recommendations**

- 2.1 That the Executive agrees to the appointment to the seven Lots of the Framework Agreement for the provision of carer related short break, home based support and respite services for Adult Social Services and Children and Families of those providers stated in paragraph 3.15, Table 2 for a period of four (4) years.

## **3.0 Detail**

### ***Background***

- 3.1 There are over 23,000 unpaid carers in Brent, some providing substantial levels of care per week. These carers provide care and support to older people, adults with disabilities, those with mental health problems, learning disabilities and substance misuse issues, and children with disabilities. The Council has duties under legislation

(Carers Recognition and Services) Act 1995, Carers and Disabled Children Act 2000 and Carers (Equal Opportunities) Act 2004, to assess the needs of carers providing substantial and regular care and has powers to provide support and services to meet eligible needs.

- 3.2 On 17 October 2011 the Executive approved a report recommending that Adult Social Services, Children and Families and NHS Brent/ GP Clinical Commissioning Group collaborated for the procurement of services to carers. This procurement would be in the form of a joint framework agreement for the provision of respite and support services to carers (“the Framework Agreement”). The report also proposed a waiver to the competitive requirements of Standing Orders to allow extension of contractual arrangements with existing providers to give sufficient time for a tender process to be completed.
- 3.3 On 13 February 2012, officers sought and obtained approval from the Executive for pre-tender considerations and the criteria to be used to evaluate tenders. Approval was also given to officers to invite expressions of interest, agree shortlists and invite tenders in accordance with the procurement timetable and evaluate them in accordance with the approved evaluation criteria.

### ***The tender process***

- 3.4 The new contract will be let using the London Borough of Brent’s terms and conditions of contract for respite care and support services for a Framework Agreement over 4 years.
- 3.5 Prior to embarking upon a competitive tender process, officers were aware of the need to undertake a consultation process both with existing service users and known providers of carers related services to Brent. A number of consultation exercises were undertaken with service user groups for carers and a ‘provider day’ was held on 26 January 2012, to take potential providers through the process from commissioning to how the procurement would be undertaken and relevant timescales.
- 3.6 Officers recognised that there was clear potential for other authorities within the West London Alliance (WLA) to access the framework along with local health community, (currently the Primary Care Trust). Following an exercise where regional local authorities were contacted and asked as to whether they would be interested in accessing the framework, the following public organisations confirmed that they wished to be ‘listed’ as potential users; the London Boroughs of:

- Ealing
- Harrow
- Hounslow

- Hammersmith & Fulham
- Hillingdon
- Royal borough of Kensington and Chelsea
- Westminster City Council, and
- NHS Brent Primary Care Trust (or succeeding organisation)

3.7 Advertisements were placed on the London Borough of Brent's website, the trade press and the local paper on 14 February to seek initial expressions of interest from, which elicited 41 initial enquires. Pre-qualification short-listing questionnaires, and an information pack containing the outline specifications and tender approach were available for interested organisations to download direct from the Brent website and subsequently 30 contractors returned the questionnaires. Details of the those organisations submitting initial expressions of interest and those that subsequently submitted completed pre-qualification questionnaires are available as background papers to this report.

3.8 Shortlisting was carried out on the basis of the contractors' professional conduct, financial viability, technical ability and experience. On 14 May 2012, 20 different contractors that had passed the requirements of the pre-qualification exercise were invited to tender, (see Appendix 1.) across seven different 'Lots':

**Lot 1 >** Personal care and short break support for disabled children and young people in their family home or in the community

**Lot 2 >** Short break support in the family home and/ or in the community for children and young people with behaviour challenges and/ or autistic spectrum disorders

**Lot 3 >** Short break support in the family home and/ or in the community for children and young people with complex health needs, including technology dependent children and young people

**Lot 4 >** Services for carers of older people

**Lot 5 >** Services for carers of adults with learning disabilities

**Lot 6 >** Services for carers of adults with mental health needs

**Lot 7 >** Services for carers of adults with physical disabilities

3.9 The tendering instructions stated that the appointment to the Framework Agreement Lots would be on the basis of the most economically advantageous offer based upon price and quality, with 60% of weighted marks allocated to price on a formula driven

proportionately marked basis, and 40% against quality assessed through a scored evaluation of proposals outlined in the Method Statement provided with tender documents. This would give consideration to the Quality requirements with the following weightings:

Quality Management	10% (of the available marks for Quality)
Information Systems	4%
Proposed business models	5%
Safeguarding/ Child Protection	6%
Equalities	5%
Meeting the needs of Carers	5%
Partnership	5%

### ***Evaluation process***

- 3.10 The tender evaluation was carried out by a panel of officers from Adult Social Services and Children and Families. Also in attendance were Senior Category Managers from the Legal and Procurement Department.
- 3.11 All tenders had to be submitted no later than 25 June 2012. Tenders were opened on 26 June 2012 and 17 valid tenders were received; 3 organisations of the 20 shortlisted chose not to submit a bid. Sufficient hard and electronic copies of each tender were available for each member of the evaluation panel. The method statements were divided into categories that were specific to either Adult Social Services or Children and Families or non-specific. Individual statements were apportioned between members of the evaluation team dependent upon each officer's core expertise whether this was as a commissioner or a procurement specialist, with each question marked by two officers to eliminate bias. Further to this, awarded scores that failed a provider or were more than 1 mark apart were considered within a moderation exercise where officers cross checked and agreed the final score. This ensured that average scores were not influenced by disparate marks from any member of the evaluation panel. Members of the panel awarded scores of 0-4 depending upon the quality of the statements tenderers provided for method statements. The definition of awarded scores is as follows in Table 1:

*Table 1.*

Assessment	Score
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Assessment	Score
Deficient – Response to the question (or an implicit requirement) significantly deficient or no response received.	0
Limited – Limited information provided, or a response that is inadequate or only partially addresses the question.	1
Acceptable – An acceptable response submitted in terms of the level of detail, accuracy and relevance.	2
Comprehensive – A comprehensive response submitted in terms of detail and relevance.	3
Superior – As Comprehensive, but to a significantly better degree.	4

- 3.12 The above marks for each method statement were then applied to the relative weightings outlined in paragraph 3.9 above to give a score which when compiled gave an overall score for each provider for Quality.
- 3.13 As outlined in paragraph 3.9, tender prices represented 60% of the available marks against the 40% for quality. Prices were submitted by tenderers against ‘scenarios’ presented by the evaluation panel for each ‘Lot’ of the Framework. The scenarios represented a compilation of individual prices for types of service delivery and challenged tenderers to ensure that pricing structures were proportionate and fair. The overall scores for prices were calculated by a formula that would award scores proportionate to the competitiveness of the price submitted by any given tenderer.
- 3.14 The Instructions to Tenderers, (ITT) advised that all questions in the tender documents must be answered and supporting documentation, where required, must be evidenced and if not provided could result in an application not being considered. Where, for example, a tenderer considers that it need not answer a question the reason for not doing so should be clearly stated and an explanation provided. The evaluation panel carried out a preliminary compliance review to ensure that the full evaluation was only carried out on complaint tenders. Further to minor clarification of identified omissions in the original submissions, the panel were able to fully evaluate all 17 submitted tenders.
- 3.15 Having completed the evaluation of the quality based method statements, the evaluation panel met on 18 July to confirm final tender scores for all bids received. Of these it was considered that two of the

submissions were not of sufficient quality as required by the tender evaluation methodology and were rejected. Details are outlined in Appendix 1. Appendix 2 of this report outlines all scores and rankings within the individual Lots. As required by the evaluation methodology, the top 8 ranked bidders per Lot meeting the requirements shall be appointed to the Framework Agreement. In the event that there are less than 8 suppliers meeting the requirement, then that number has been recommended for appointment onto the Framework Agreement. The listed providers per Lot in order of priority are listed below in Table 2.

Table 2.

No	LOT 1 – Provider List	No	LOT 2 – Provider List
1.	Standard Nursing Agency and Care Services Ltd	1.	Standard Nursing Agency and Care Services Ltd
2.	K.T.'s Care Angels Ltd. (Carewatch Brent)	2.	K.T.'s Care Angels Ltd. (Carewatch Brent)
3.	Supreme Company & Sons Ltd	3.	Personnel Care Bank (PCB)
4.	Personnel Care Bank (PCB)	4.	Supreme Company and Sons Ltd
5.	Oasis Care and Training Agency	5.	Oasis Care and Training Agency
6.	Hillingdon Crossroads Caring for Carers	6.	Hillingdon Crossroads Caring for Carers
7.	Harrow Mencap	7.	Harrow Mencap
No	LOT 3 – Provider List	No	LOT 4 – Provider List
1.	Personnel Care Bank (PCB)	1.	Personnel Care Bank (PCB)
2.	Supreme Company & Sons Ltd	2.	Supreme Company & Sons Ltd.
3.	K.T.'s Care Angels Ltd. (Carewatch Brent)	3.	K.T.'s Care Angels Ltd. (Carewatch Brent)
4.	Hillingdon Crossroads Caring for Carers	4.	Priory Nursing Agency & Homecare Ltd.
		5.	Mears Care Ltd.
		6.	Allied Healthcare Group
		7.	St Luke's Hospice
		8.	Plan Care (Taylor Gordon & Co.)
No	LOT 5 – Provider List	No	LOT 6 – Provider List
1.	Standard Nursing Agency and Care Services Ltd	1.	Standard Nursing Agency and Care Services Ltd
2.	Oasis Care and Training Agency	2.	K.T.'s Care Angels Ltd. (Carewatch Brent)
3.	Supreme Company & Sons Ltd.	3.	Personnel Care Bank (PCB)
4.	Personnel Care Bank (PCB)	4.	Mears Care Ltd.
5.	K.T.'s Care Angels Ltd. (Carewatch Brent)	5.	Supreme Company & Sons Ltd.
6.	Enterprise Care & Support Ltd	6.	Plan Care (Taylor Gordon & Co.)
7.	Priory Nursing Agency & Homecare Ltd.	7.	Harrow Mencap
8.	Mears Care Ltd	8.	The Homecare Partnership
No	LOT 7 – Provider List		
1.	Standard Nursing Agency and Care Services Ltd		
2.	Oasis Care and Training Agency		
3.	Personnel Care Bank (PCB)		

4.	Supreme Company & Sons Ltd.	
5.	K.T.'s Care Angels Ltd. (Carewatch Brent)	
6.	Enterprise Care & Support Ltd	
7.	Priory Nursing Agency & Care Services Ltd.	
8.	Hillingdon Crossroads Caring for Carers	

3.17

3.17 It is anticipated that the Framework Agreement will commence on 22 October 2012 subject to the Council's observation of the requirements of the voluntary standstill period noted in paragraph 5.4 below.

#### 4.0 Financial Implications

4.1 The Council's Contract Standing Orders state that Framework Agreement for supplies and services exceeding £500k or works Framework Agreement exceeding £1million shall be referred to the Executive for approval of the award of the contract.

4.2 The estimated value of contracts to be procured through this Framework Agreement is £747,000 pa for Adult Social Services and £500,000 for Children and Families with a possible spend of £5,000,000 on behalf of London borough of Brent only over the 4 year term of the framework.

4.3 A representative of Brent Financial Services assessed all financial accounts submitted as part of the pre-qualification process.

4.4 There is an Adult Social Services pooled budget arrangement in place until 31 March 2013 with NHS Brent, subject to finances being available. Details of the budget for this final year are listed below:

##### Adults Social Care

Financial year	LA contribution £	NHS Brent Contribution £	Pooled Budget £
2012/2013	£547,000	£200,000	£747,000

4.5 The estimated Children and Families annual budget provision for the new Short Break Services framework contract has been identified in section 4.2 above as £500,000. This will be met from existing budgets, but will be subject to change over the 4 year term of the contract. This may be as a result of reallocation of funds as a result of Direct Payments allowing service users to purchase their care provision direct, or funding reduction in order to achieve programmed savings.

- 4.6 Costs incurred in the contract process for professional advice, in particular legal. These will be funded from existing resources.

## **5.0 Legal Implications**

- 5.1 The National Health Services Act 2006 (“NHS Act”) requires local authorities and NHS bodies to work together to improve health and social care and Section 75 of NHS Act provides for flexible funding and working arrangements to be established by agreement to facilitate this. This includes the establishment of pooled budgets and lead commissioning arrangements. The continuation of the pooled budget under the Section 75 Agreement is yet to be determined, in light of legislative changes to the commissioning of health services.
- 5.2 The estimated value of this Framework over its lifetime is higher than the EU threshold for Services. The provision of adult and children’s respite care and support services are classified as a Part B Service under the Public Framework Agreement Regulations 2006 (the “EU Regulations”) and as such are not subject to the full application (save that there must be a technical specification contained in the contract documents and on award of contract the Council must issue a Contract Award Notice in the OJEU). The award is subject to the Council’s own Standing Orders in respect of High Value Framework Agreement and Financial Regulations. As a result Executive approval is required for the award of the Framework.
- 5.3 Individual call-off Framework Agreement may be awarded, subject to Executive approval to appoint the recommended tenderers to the Framework, without the need for them to be separately advertised and procured through a full tender process. The Framework Agreement includes a prescriptive call-off protocol (“the Protocol”) that Officers must adhere too when calling off services under the Framework Agreement; the use of the Protocol will ensure fairness and transparency. Executive approval will only be required for High Value Framework Agreement called off under the Framework.
- 5.4 Although classified as Part B Services Contract, Officers have determined that the award of this Framework will be subject to a voluntary minimum 10 calendar day standstill period before the Framework can be awarded. Therefore subject to Executive approval, all tenderers will be issued with written notification of the award decision. A minimum 10 calendar day standstill period will then be observed before the Framework is concluded this period will begin the day after all Tenderers are sent notification of the award decision and additional debrief information will be provided to unsuccessful tenderers in accordance with the EU Regulations. The standstill period provides unsuccessful tenderers with an opportunity to challenge the

Council's award decision if such challenge is justifiable. However, if no such challenge or successful challenge is brought during the period, then as soon as possible after the standstill period ends, the successful tenderers will be issued with a letter of acceptance notifying them of appointment to the Framework and the commencement date.

- 5.5 Following award of the Framework Agreement, the Council will be required to publish a contract award notice in the Official Journal of the European Community within 48 days of award.
- 5.6 In procuring the Framework Agreement, Brent Council specifically named other West London Alliance member authorities that wished to be named in the advert, thereby permitting their use of the Framework Agreement once concluded. On award of the Framework, it is proposed that other public bodies identified in the contract advert will be able to access the adult and children's carer respite care and support services under the Framework Agreement. Such bodies will sign an access agreement with Brent Council requiring them to observe the terms of the Framework.

## **6.0 Diversity Implications**

- 6.1 An Equalities Impact Assessment (EIA) has been undertaken in accordance with the Equality Act 2012. A copy of the EIA is attached as Appendix 3.

## **7.0 Staffing/Accommodation Implications (if appropriate)**

- 7.1 This service is currently provided by a number of external providers and there are no implications for Council staff arising from retendering the contract. TUPE may apply to services being undertaken by existing providers that have been unsuccessful in being awarded onto the Framework Agreement. In these circumstances there will be a requirement for work to be transferred to a provider/s on the Framework Agreement. There is provision within the call-off protocol in the contract to ensure that providers on the framework can price for the service against TUPE information supplied by the incumbent.

## **8.0 Other Implications**

- 8.1 There are no other known implications that may impact upon the award of this contract.

## **9.0 Background Papers**

- 9.1 Report to Executive dated 13 February 2012 'Approval of the selection criteria for the procurement of a framework agreement for carers services (short break and respite) for the Adult Social Services and Children and Families departments'
- 9.2 ITT Evaluation Matrix for Quality and Price.

### **Contact Officers**

Director of Adult Social Services, Alison Elliott  
Director of Children and Families, Krutika Pau



### Appendix 3.

<b>Department:</b> Children & Families and Adult Social Care	<b>Person Responsible:</b> Ravina Kotecha / Pauline Mason
Service Area: Commissioning	Timescale for Equality Impact Assessment :
Date:	Completion date:
Name of service/policy/procedure/project etc: Care at Home Framework Agreement	Is the service/policy/procedure/project etc: New <input checked="" type="checkbox"/> Old <input type="checkbox"/>
Predictive <input type="checkbox"/> Retrospective <input checked="" type="checkbox"/>	Adverse impact <input type="checkbox"/> Not found <input checked="" type="checkbox"/> Found <input type="checkbox"/> Service/policy/procedure/project etc, amended to stop or reduce adverse impact Yes <input type="checkbox"/> No <input type="checkbox"/>
Is there likely to be a differential impact on any group? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Please state below:
1. Grounds of race: Ethnicity, nationality or national origin e.g. people of different ethnic backgrounds including Gypsies and Travellers and Refugees/ Asylum Seekers  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2. Grounds of gender: Sex, marital status, transgendered people and people with caring responsibilities  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3. Grounds of disability: Physical or sensory impairment, mental disability or learning disability  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	4. Grounds of faith or belief: Religion/faith including people who do not have a religion  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
5. Grounds of sexual orientation: Lesbian, Gay and bisexual <input checked="" type="checkbox"/>  Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	6. Grounds of age: Older people, children and young People <input checked="" type="checkbox"/>  Yes <input type="checkbox"/> No
Consultation conducted	

Yes <input type="checkbox"/> No	
Person responsible for arranging the review: N/A	Person responsible for publishing results of Equality Impact Assessment: N/A
Person responsible for monitoring: Adult Social Care <b>[to be confirmed]</b> Children & Families: Ravina Kotecha	Date results due to be published and where: N/A
Signed:	Date:

Please note that you must complete this form if you are undertaking a formal Impact Needs/Requirement Assessment. You may also wish to use this form for guidance to undertake an initial assessment, please indicate.

### 1. What is the service/policy/procedure/project etc to be assessed?

Framework Arrangement for Care at Home Services for carers

### 2. Briefly describe the aim of the service/policy etc? What needs or duties is it designed to meet? How does it differ from any existing services/ policies etc in this area

The Council has duties under legislation (Carers Recognition and Services) Act 1995, Carers and Disabled Children Act 2000 & Carers (Equal Opportunities) Act 2004) to assess the needs of carers providing substantial and regular care and has powers to provide support and services to meet eligible needs.

In order to review these needs and achieve improved efficiencies, deliver respite and support services that provide better value for money, Executive approval was sought to develop a Joint framework agreement with the intention of Adult, Children and Families Departments and NHS Brent/GP Clinical Commissioning Group being able to call off from the framework.

A framework agreement is an agreement for a set number of years (maximum 4 years) under which specific Framework Agreement for particular services can be 'called-off' at any time within the period. There can be a number of approved suppliers under a framework agreement the council could contract with to procure carer services.

The benefits of developing a joint framework agreement will allow the council to access a wider range of providers delivering carer support; joint spend will attract a higher number of potential providers offer more competitive rates and reduce costs in tendering process.

### 3. Are the aims consistent with the council's Comprehensive Equality Policy?

Yes, implementing the proposed changes to carers services will have a positive impact on all carers and service users (the cared for). The aim is to make services seamless and consistent for all carers in Brent, and to ensure that carers/service users experience a similar journey throughout the system.

### 4. Is there any evidence to suggest that this could affect some groups of people? Is there an adverse impact around race/gender/disability/faith/sexual orientation/health etc? What are the reasons for this adverse impact?

No adverse impacts have been identified for any groups as the proposed change to the way that carers respite services are commissioned/procured is intended to improve access to services for all carers regardless of race/gender/disability/faith/sexual orientation/health.

The new framework will ensure that carers and service users (the cared for) will experience a more consistent service provision, including a seamless transition from childhood through to adulthood. There will also be better monitoring of provision through the contractual arrangements ensuring that the needs of carers/service users are met.

5. Please describe the evidence you have used to make your judgement. What existing data for example (qualitative or quantitative) have you used to form your judgement? Please supply us with the evidence you used to make your judgement separately (by race, gender and disability etc).

The revised arrangements for commissioning/procurement have been put in place to ensure that the local authority is compliant with the relevant responsibilities under procurement legislation.

6. Are there any unmet needs/requirements that can be identified that affect specific groups? (Please refer to provisions of the Disability Discrimination Act and the regulations on sexual orientation and faith, Age regulations/legislation if applicable)

None identified

7. Have you consulted externally as part of your assessment? Who have you consulted with? What methods did you use? What have you done with the results i.e. how do you intend to use the information gathered as part of the consultation?

No external consultation has been carried out on this.

8. Have you published the results of the consultation, if so where?

N/A

9. Is there a public concern (in the media etc) that this function or policy is being operated in a discriminatory manner?

No

10. If in your judgement, the proposed service/policy etc does have an adverse impact, can that impact be justified? You need to think about whether the proposed service/policy etc will have a positive or negative effect on the promotion of equality of opportunity, if it will help eliminate discrimination in any way, or encourage or hinder community relations.

The change in service provision will offer a consistent service provision and an equitable service to carers/service users (the cared for).

An adverse impact may be felt by some carers who are currently receiving services from providers who have not been awarded a contract under the framework agreement. Plans are in place to support these carers and offer the following:

- Direct payment for them to continue receiving the support from their current provider
- A phased transition from the current provider to any new provider
- Consideration will be given to the needs of the carer/service user when allocating a new provider

11. If the impact cannot be justified, how do you intend to deal with it?

N/A

12. What can be done to improve access to/take up of services?

The service is commissioned to allow referrals to be made directly by the local authority where the local authority has a responsibility to ensure respite for the carer. The new framework will allow access/take up of the service in a more consistent manner and will ensure that the service is continually monitored and therefore improved to offer an effective, efficient and valued service.

13. What is the justification for taking these measures?

The changes to the commissioning of the service have been driven by the current contractual arrangements within the children & families and adult social care departments and bring these in line with the relevant procurement legislation.

14. Please provide us with separate evidence of how you intend to monitor in the future. Please give the name of the person who will be responsible for this on the front page.

Monitoring templates/arrangements are currently being developed. These will be shared once finalised. However it is intended that monitoring arrangements will be as follows:

Frequency of monitoring meetings: Quarterly

Data to be collated by service provider:

The provider will be required to collate the following information (this is indicative only and is not exhaustive):

- Direct/indirect activity, with breakdown by:
  - Ethnicity / Faith
  - Age
  - Gender
  - Disability
- Number of carers who have benefited from the service, with details of outcomes achieved
- Number of families from hard to reach groups supported
- Referrals
- Feedback from service users (including details of any complaints/compliments)

In addition, both departments are currently looking into how carers/service users can be more involved with the monitoring process.

Where necessary, site visits will also take place to review any staffing data requirements (e.g CRB checks, training and CPD)

15. What are your recommendations based on the conclusions and comments of this assessment?

The development of the framework agreement ensures that a fair and transparent process has been used to provide respite services to carers/service users (the cared for). This will also ensure a consistent and efficient service provision for all carers/service users which will be regularly monitored and reviewed.

No adverse impacts have been identified.

Should you:

1. Take any immediate action?
2. Develop equality objectives and targets based on the conclusions?
3. Carry out further research?

16. If equality objectives and targets need to be developed, please list them here.

N/A

17. What will your resource allocation for action comprise of?

N/A

If you need more space for any of your answers please continue on a separate sheet

Signed by the manager undertaking the assessment:

Full name (in capitals please): RAVINA KOTECHA

Date: 14/8/12

Service Area and position in the council:

COMMISSIONING MANAGER, CHILDREN'S COMMISSIONING, CHILDREN & FAMILIES DEPARTMENT

Details of others involved in the assessment - auditing team/peer review:

PAULINE MASON, INTEGRATED COMMISSIONER, ADULT SOCIAL CARE

STEVEN FORBES, HEAD OF INTEGRATED COMMISSIONING, ADULT SOCIAL CARE

Once you have completed this form, please take a copy and send it to: **The Corporate Diversity Team, Room 5 Brent Town Hall, Forty Lane, Wembley, Middlesex HA9 9HD**