

	Officer Key Decision
	Report from the Operational Director, Safeguarding, Partnerships and Strategy
AUTHORITY TO TENDER A CONTRACT FOR THE PROVISION OF A TARGETED MENTAL HEALTH AND EMOTIONAL WELLBEING SERVICE FOR CHILDREN AND YOUNG PEOPLE IN IDENTIFIED VULNERABLE GROUPS	

Wards Affected:	All
Key or Non-Key Decision:	Key Decision
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	One: Appendix 1 - Equalities Impact Assessment
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	<p>Shirley Parks Head of Forward Planning, Performance and Partnerships Shirley.parks@brent.gov.uk</p> <p>Sharon Buckby Head of Inclusion Services sharon.buckby@brent.gov.uk</p> <p>Brian Grady Operational Director, Safeguarding, Partnerships and Strategy Children and Young People: brian.grady@brent.gov.uk</p>

1. Purpose of the Report

- 1.1 This report concerns the procurement of a contract for a Targeted Mental Health and Emotional Wellbeing Service for Children and Young People in Identified Vulnerable Groups. This report seeks approval to invite tenders for this service, as required by Contract Standing Orders 88 and 89.

2. Recommendation(s)

That the Strategic Director of Children and Young People:

- 2.1 Approves the preferred commissioning approach and delivery model for a contract that delivers a Targeted Mental Health and Wellbeing Service for Children and Young People in Identified Vulnerable Groups as set out in section 4.0 of the report.
- 2.2 Approves the invitation of tenders for the contract referred to in 2.1 above on the basis of the pre-tender considerations set out in paragraph 4.0 of the report.
- 2.3 Approves that officers evaluate the tenders referred to in 2.2 above on the basis of the evaluation criteria set out in section (vi) of the table of paragraph 4.3.

3. Background

- 3.1 Under Section 10 of the Children Act 2004, local authorities are required to co-operate with others in promoting the wellbeing of children in the authority's area. Under Section 11 of the Children Act 2004 the local authority is required to have regard to the need to safeguard and promote the welfare of children whenever it carries out any act or makes any decision. Statutory guidance for local authorities, Clinical Commissioning Groups (CCGs) and NHS England, March 2015, states that the corporate parenting responsibilities of local authorities include a duty (under section 22(3)(a) of the Children Act 1989) to safeguard and promote the emotional, mental health and physical welfare of the children they look after
- 3.2 The North West London Integrated Care System Children and Young People's Mental Health and Wellbeing Local Transformation Plan 2019 – 2024, refreshed in Autumn 2021, outlines how the NWL ICS will seek to improve local services. The ambition is to ensure that every child in Brent can access appropriate needs-based and person-centred mental health and emotional wellbeing support that significantly improves outcomes.
- 3.3 The Council currently has a contract for the provision of a Targeted Mental Health and Emotional Wellbeing Service for Vulnerable Children and Young People in Identified Vulnerable Groups with the Anna Freud Centre which expires on 30 September 2022.
- 3.4 The current service, which commenced in October 2019, was established as a pilot of a targeted preventative service aimed at helping vulnerable children and young people who require mental health and emotional wellbeing support to prevent escalation to specialist CAMHS services. The aim of the service, which is known as the Wellbeing and Emotional Support Team (WEST), is to increase the number of children and young people accessing appropriate early targeted support. Demand for the service is high and the impact of the pandemic saw an increase in need. The service has developed in response to feedback from users and professionals and identified gaps in local provision.

The service has been expanded to provide additional capacity to allow access to the service from an increased number of children and young people and professionals.

3.5 Since commencement in October 2019, the pilot service has seen an increase in the number of vulnerable children accessing early support, preventing the escalation of cases to specialist services. During 2020/21 199 children and young people were open to the service. The range of need is extensive, with the most commonly reported vulnerability factors including 'risk of abuse from self or others' (36%), 'parental issues or concerns' (35%) and 'looked after child' (31%). More than one vulnerability factor was reported for 127 children and young people referred to the service in 2020/21 (64%). The three most frequently referred age groups were children aged 11 years (12%), 10 years (10%) and 14 years (10%). Of the children and young people referred to the service, 82 were female (41%) and 115 were male (58%) and 50 (25%) had a disability.

3.6 Demand for Mental Health and Wellbeing Services in Brent:

- Brent has the second highest estimated number of children and young with Mental Health difficulties in North West London (NWL) (6362) aged 5-17 after Ealing (6783). Mental health difficulties encompass emotional disorders, behavioural disorders, hyperactivity disorders, autism spectrum, eating and other less common disorders (Source: [6] PHE Fingertips 2017 data). However, the access rate for NHS community services for Brent children and young people is amongst the lowest in NWL (future collaborative NHS platform 2021)
- 1,370 children and young people aged under 18 years are identified by CAMHS as requiring multi-disciplinary, complex responses (previously called Tier 3)
- Eating disorders increased in London by 85% in Quarter 3 2019/20. Over the same period in NWL 37% increase for routine referrals and 53% for urgent referrals. The national target to access services is 95%, NWL reports 93% (NHS statistics eating disorder waiting time 2019/21; future collaborative NHS platform 2021)
- An increasing number of children and young people are presenting at A&E with complex behaviour/mental health issues or with ASD/LD. The 0-25 Team is supporting 19 children with Learning Disabilities and 2 children with ASD who have mental health concerns and there are currently 22 children and young people on the Dynamic Support Risk Register (DSR).
- High numbers of children and young people are still waiting for ASD diagnosis and there are long waiting lists for CAMHS treatment with an average wait time of 18 weeks.
- CAMHS and voluntary/community Mental Health and Wellbeing Services have reported increases in demand linked to the impacts of the COVID-19 pandemic. Services have reported an increase in presenting needs such as anxiety, isolation, adjusting to school life, parental mental health impacting on children and strained family relationships, and children presenting at A&E in crisis.

- A council funded pilot scheme of community support for the mental health and wellbeing of children and young people and their families, delivered through The Young Brent Foundation, found that six in ten children and young people were worried about mental health issues.

3.7 The new commissioned service will build on the success of the pilot and provide:

- a targeted mental health and emotional wellbeing service supporting children and young people aged up to 18, within identified priority groups, or up to 25 for children and young people with Social Emotional Mental Health (SEMH) as a primary need identified in their SEND Support or Education, Health and Care Plan aimed at the effective early targeting of help to vulnerable children and young people requiring mental health support.
- a central triage referral system for assessing need and then either referring children and young people to the targeted emotional health and wellbeing clinical support provided by the service or signposting to other services, according to assessed need.
- An evidence-based intervention programme that will include assessment, diagnosis, and treatment through a range of therapeutic interventions;
- a range of therapeutic interventions, including psychosocial intervention, relapse prevention advice, cognitive behaviour therapy, coping and social skills training, motivational intervention, short-term family support interventions and art or drama therapy delivered by a range of qualified practitioners
- advice, training and case conferencing for professionals working with children and young people
- thematic training opportunities for all Brent schools each academic year
- a telephone helpline for professionals, families and young people for queries, advice, information and signposting, during the hours of 9am and 5pm from Monday to Friday
- a service operating from both school and non-school settings, with flexibility to operate from locations within the community that are comfortable and accessible for individual children and young people
- A Single Point of Access (SPA) for all referrals, which will be from professionals working with children and young people, social workers, schools, parents and self-referrals.

It is expected that one provider (or group of providers by means of consortium or a lead provider model) will provide all of the above.

3.8 The service approach will be in line with the Thrive model that has been adopted in Brent and will be part of a continuum of support for children and young people delivered by the health economy. The aim is to improve the efficiency of how children and young people's mental health services are organised, commissioned and delivered and to reduce any potential duplication in provision. To this end there needs to be:

- A clear gateway/“triage” processes to ensure timely access and prioritisation of targeted vulnerable children and young people
- Rapid advice and support and signposting to appropriate services
- A focus on early identification, intervention and prevention - as part of a continuum of service delivery offering training, consultation and advice to staff and carers in universal service settings.
- a delivery team co-located within Children and Young People Department
- collaboration with other mental health and wellbeing service providers.

3.9 The development of the proposed service has been informed by the Brent Borough Plan 2018-2023, the Brent Black Community Action Plan 2020, The Brent Poverty Commission Report 2020, The Brent Youth Strategy 2021-23, the Brent SEND Strategy 2021-25 and consultation undertaken during 2021 for a new Brent Health and Wellbeing Strategy.

3.10 Officers are recommending a term of 3 years from 1 October 2022 to 30 September 2025, with the option to extend by a further 1 year. If this option is taken up the full contract term would be from 1 October 2022 to 30 September 2026. This contract structure will allow time for further collaborative work with the North West London Integrated Care System and the Brent Integrated Care Partnership to be undertaken as part of a system wide approach to mental health and wellbeing services for children and young people in the context of an understanding of demand and service gaps. Funding required over the 4 year term would be:

Source	Amount
Pupil premium (VS)	£260,000
General fund	£872,000
DSG	£867,424
Total	£1,999,424

4.0 Procurement

4.1 The proposed tender procedure would be an adapted Open Procedure to allow a two envelope process. Envelope 1 will contain the organisation selection questionnaire response. Organisations that fail this section will not have their second envelope opened. Organisations that pass will have their second envelope opened which will contain their Quality, Price and Social Value response.

4.2 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations, including the proposed summary timelines for the tendering process, are set out below for the approval of the Strategic Director of Children and Young People.

Ref.	Requirement	Response																														
(i)	The nature of the service.	A Targeted Mental Health and Emotional Wellbeing Service for Children and Young People in Identified Vulnerable Groups.																														
(ii)	The estimated value.	£1,999,424																														
(iii)	The contract term.	3 years plus a 1 year extension option																														
(iv)	The tender procedure to be adopted.	Open procedure																														
v)	The procurement timetable.	<p>The Procurement route to be followed will be an Open procedure and will be published on Contracts Finder in line with the Public Contract Regulations 2015.</p> <table border="1"> <thead> <tr> <th>Stage</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>Tender publish</td> <td>1 February 2022</td> <td>7 March 2022</td> </tr> <tr> <td>Tender Evaluation</td> <td>7 March 2022</td> <td>31 March 2022</td> </tr> <tr> <td>Tender Moderation</td> <td>1 April 2022</td> <td>15 April 2022</td> </tr> <tr> <td>Draft award report</td> <td>18 April 2022</td> <td>22 April 2022</td> </tr> <tr> <td>Award Report circulated</td> <td>22 April 2022</td> <td>29 April 2022</td> </tr> <tr> <td>Children and Young People Department Management team sign off</td> <td>09 May 2022</td> <td>13 May 2022</td> </tr> <tr> <td>Strategic Director of Children and Young People sign off</td> <td>16 May 2022</td> <td>16 May 2022</td> </tr> <tr> <td>Notification to bidders of intention to award contracts</td> <td>16 May 2022</td> <td>17 May 2022</td> </tr> <tr> <td>Standstill Period</td> <td>17 May 2022</td> <td>27 May 2022</td> </tr> </tbody> </table>	Stage	From	To	Tender publish	1 February 2022	7 March 2022	Tender Evaluation	7 March 2022	31 March 2022	Tender Moderation	1 April 2022	15 April 2022	Draft award report	18 April 2022	22 April 2022	Award Report circulated	22 April 2022	29 April 2022	Children and Young People Department Management team sign off	09 May 2022	13 May 2022	Strategic Director of Children and Young People sign off	16 May 2022	16 May 2022	Notification to bidders of intention to award contracts	16 May 2022	17 May 2022	Standstill Period	17 May 2022	27 May 2022
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(vi)	The evaluation criteria and process.	<p>Organisations will be required to complete a selection questionnaire which officers will review to ensure organisations meet the Council's financial standing requirements, technical capacity and technical expertise.</p> <p>At tender evaluation stage a panel of evaluators will score the tenders to identify the Most Economically Advantageous Tender (MEAT) based on 50% of points being awarded for Quality, 40% of points being awarded for Price and 10% of points being awarded for Social Value.</p> <p>The panel will evaluate the tenders against the following quality criteria:</p> <ul style="list-style-type: none"> • The organisation's relevant experience • The approach to the delivery of services • The approach to contract mobilisation <p>The highest ranked tenderer will be recommended for the forward of contract.</p>												
(vii)	Any business risks associated with entering the contract.	<p>1. Budget: The Council will be setting a maximum budget for this procurement. This may disadvantage the Council due to the stagnation of price competition between providers. However, a maximum budget has been set, as the risk of receiving higher bids is seen as a greater risk.</p> <p>2. Transfer and continuity of service if there is a change in provider: In order to minimise impact on children and young people, 4 months have been allowed for mobilisation.</p> <p>3. Recruitment and retention of clinical psychologist staff to deliver the service may be a concern due to national shortages: This will be covered during the procurement</p>												

Ref.	Requirement	Response
		process with a specific question aimed at testing if the provider will have sufficient staff to deliver this service.
(viii)	The Council's Best Value duties.	The council will be awarding the contract to the Most Economically Advantageous Tender (MEAT)
(ix)	Consideration of Public Services (Social Value) Act 2012	10%
(x)	Any staffing implications, including TUPE and pensions.	There will be TUPE implications for a new provider. There will be no TUPE implications for the council.
(xi)	The relevant financial, legal and other considerations.	See sections 5 to 6 below

5. Financial Implications

- 5.1 The approved budget for the current contract with The Anna Freud Centre is £499,856 for the year to 30 September 2022. Based on a proposed contract term of 3 years plus a 1 year extension option, there is sufficient current budget to support a £1,999,424 contract. Any contract beyond this value would require additional funding to be agreed.

6. Legal Implications

- 6.1 Approval is sought to tender a contract for the delivery of a Targeted Mental Health and Wellbeing Service for Children and Young People for a period of three years with an option of extending for up to a further one year. The estimated value of the proposed contract over its lifetime is £1,999,424, see the table at paragraph 4.3 above. Consequently this is in excess of the Public Contract Regulations 2015 (the "PCR 2015") threshold for Schedule 3 Services currently set at £663,540.
- 6.2 Schedule 3 services valued over the applicable threshold are subject to "the light touch regime" which requires authorities to comply with mandatory procedural rules which involve: 1) Advertising requirements; 2) Award Procedures; and 3) Publishing Contract Award information.
- 1) Advertising requirements: The Council is required to advertise contracts so Officers will need to advertise this opportunity on Find a Tender.

- 2) Award Procedures: Although the Council has a considerable amount of discretion around the design and structure of their award procedures for above threshold Schedule 3 contracts, it is however subject to the overriding principles of equality of treatment, fairness and transparency in the award of contracts and also subject to conduct the procurement and resulting award in conformity with the information it publishes.
 - 3) Publishing Contract Award: The Council must send an electronic contract award notice for publication in Find a Tender. The Council must also observe the mandatory minimum 10 calendar day standstill period before contracts can be awarded. The requirements include notifying all tenderers in writing of the Council's decision to award and providing additional debrief information to unsuccessful tenderers on receipt of a written request. The standstill provides unsuccessful tenderers with an opportunity to challenge the Council's award decision if such challenge is justifiable. However if no challenge or successful challenge is brought during the standstill period, at the end of such period the council can proceed with the award of the contract.
- 6.3 The proposed contract falls within the definition of Medium Value Contracts under the Council's Contract Standing Orders 82 and should thus be procured through a competitive tender exercise.
 - 6.4 For Medium Value Contracts, the Strategic Director must approve the pre-tender considerations, as set out in section 4 above (Standing Order 89), and the inviting of tenders (Standing Order 88).
 - 6.5 Once the tendering process is undertaken, Officers will report back to the Strategic Director in accordance with Contract Standing Orders, explaining the process undertaken in tendering the contracts and recommending award.
 - 6.6 In the present case if the contract is awarded to a new contractor the Transfer of Employment (Protection of Employment) Regulations 2006 ("TUPE") is likely to apply so as to transfer from the current to the new contractor those employees of the current contractor who spend all or most of their working time on the activities taken over by the new contractor.
 - 6.7 The council's duties in connection with the Public Services (Social Value) Act 2012 are contained in Section 10 (below).
 - 6.8 The Strategic Director is referred to the Council's duties pursuant to Section 149 of the Equality Act 2010 as further set out in Section 7 (below).

7. Equality Implications

- 7.1 The Strategic Director is referred to the Equality Impact Analysis set out in Appendix 1. Under Section 149 of the Equality Act 2010, the Council has a duty when exercising its public functions to have 'due regard' to the need to

eliminate discrimination harassment and victimisation and other conduct prohibited under the Act; advance equality of opportunity, and foster good relations between those who share a “protected characteristic” and those who do not. This duty is known as the public sector equality duty (PSED). The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. All providers that are commissioned to deliver public services on behalf of or in partnership with Brent Council are required to comply with the PSED and the Council’s Equality and Diversity policies.

- 7.2 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
- 7.3 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary.
- 7.4 The service seeks to improve the mental health and emotional wellbeing of children and young people to provide the foundations for:
- Children and young people to be happy, healthy and thrive.
 - Children, young people and their families being afforded the opportunity to reach and realise their full potential.
- 7.5 Services are designed to reduce any adverse impact on children and young people by identifying and working with children (and their families) who would benefit from mental health and emotional wellbeing services. The service is designed to target the most vulnerable groups of children and young people providing early identification and support the prevention of escalation to more specialist services by promoting resilience and offering access to effective support without tiers or barriers. The Equality Impact Assessment did not identify any adverse for any groups on the basis of protected characteristics (Appendix 1).

8. Consultation with Ward Members and Stakeholders

- 8.1 Consultation has been undertaken with a range of stakeholders in different forums to identify any gaps in service provision to inform service development. Future service design and service improvements have been informed by recent consultation with children and young people and their families in relation to the SEND Strategy 2021-25, the Youth Strategy 2021-23 and a new Health and Wellbeing Strategy, feedback from children, families and professionals on the pilot service, and feedback from Brent Young People Thrive and Brent Young Foundation. Consultation and feedback has provided useful insights into concerns about mental health and wellbeing.

- 8.2 The Brent Local Offer is regularly reviewed with the Parent Carer Forum on the suitability of presentation, content and format to ensure that families can access the right information in the right way to access the appropriate services they need in Brent. This includes information about the Mental Health and Emotional wellbeing services commissioned by the LA and the NWL CCG.
- 8.3 Children and young people will be trained to participate in the formal tender evaluation process and their feedback will help inform the outcome of contract award.
- 8.4 As this service affects all wards, there has not been separate consultation with ward members.
- 8.5 The Lead Member for Children's Safeguarding, Early Help and Social Care has been consulted on the approach set out in this report.

9. Human Resources Implications

- 9.1 There are no direct staffing implications for the Council arising from the tender process. The services are currently provided by an external provider. As part of the procurement process, employee liability information will be sought from current contractor and provided to the tenderers. The TUPE process and any issues that may arise from it will be managed during the mobilisation phase, which will be at least two months between contract award and commencement.

10. Public Services (Social Value) Act 2012

- 10.1 The Council is under duty pursuant to the Public Services (Social Value) Act 2012 ("the Social Value Act") to consider how services being procured might improve the economic, social and environmental wellbeing of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation. Officers have had regard to considerations contained in the Social Value Act in relation to the procurement.
- 10.2 The services under the proposed contract have as their primary aim the improvement of the social wellbeing of vulnerable groups in Brent. In procuring the services and in accordance with the council's Social Value Policy, 10% of the total evaluation criteria will be reserved for social value considerations.

Report sign off:-

Brian Grady

Operational Director, Safeguarding, Partnerships and Strategy Children and Young People