

 Brent	Officer Key Decision
	Report of the Assistant Chief Executive
Authority to Tender contract for Independent Advice and Guidance services	
Wards Affected:	All
Key or Non-Key Decision:	Key Decision
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	One Appendix 1 – Equality Impact Assessment
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Name: Alberta Atkinson Job Title: Interim Contract and Commissioning Email: alberta.atkinson@brent.gov.uk

1.0 Purpose of the Report

- 1.1 This report concerns the commissioning arrangements for a local information, advice and guidance service for Brent residents, and seeks Assistant Chief Executive approval to invite tenders in respect of this, as required by Contract Standing Orders 88 and 89.
- 1.2 Information, advice and guidance is an early intervention service for Brent residents. The aim is to deliver free, confidential, impartial and independent information on a range of subjects with a focus on vulnerable families, some of whom may be impacted by multiple deprivation indicators. The service also includes a specialist legal advice service for more complex issues.
- 1.3 Current arrangements for the provision of generalist and specialist legal advice end on 31 March 2022. The report sets out the requirements and options considered in commissioning advice and guidance services with the aim of

enabling better access, earlier intervention to limit escalation of problems, and better outcomes for people requiring advice and guidance.

2.0 Recommendations

That the Assistant Chief Executive:

- 2.1 Approves the invitation of tenders for a local advice and guidance service for an initial term of two (2) years, with an option to extend for two consecutive one year periods (4 years in total) with anticipated commencement date of 21 June 2022.
- 2.2 Approves officers evaluating the tenders for the services referred to in paragraph 2.1 above, on the basis of the evaluation criteria as referred to in paragraph 5.22(vi) of the report.

3.0 Detail and brief summary of decision and reasons for decision

- 3.1 The council requires the provision of a local information, advice and guidance service. It has been determined that the most appropriate means of providing the local information, advice and guidance service is through the procurement of a contractor who will be selected by way of a formal tendering process in accordance with the Contract Standing Orders.

4.0 Alternative Options Considered

- 4.1 Officers have considered whether the local information, advice and guidance service can be provided by the council itself but have concluded that that it is best provided by a contractor because organisations have necessary expertise and resources to deliver the service and can provide significant benefits to local communities whilst complementing the Council's strategic priorities.

5.0 Additional background

- 5.1 With 329,800 residents, Brent is the seventh-largest London borough by population (ONS, 2019). The borough is growing, with the population projected to increase to almost 367,000 by 2023 and over 398,000 by 2030.
- 5.2 A third of children in Brent live in a low-income household and a fifth live in a single-adult household. The proportion of young people living in acute deprivation is rising and data shows that there are increasing levels of housing deprivation, crime and health inequalities.
- 5.3 Around one in seven Brent residents have a long-term health problem or disability. The prevalence of disability increases rapidly with age: more than half of residents aged over 65 years have a long-term health problem or disability. It is important that the service offered is accessible to people with disabilities of all types.

- 5.4 Provision of advice and guidance to local residents is a key public service, therefore access to high quality legal and generalist advice is vital to enabling early resolution of potential problems that, without intervention, may lead to complex and distressing circumstances for residents.
- 5.5 With the many changes in entitlement to public services which have taken place in recent years and the increase in population experienced in Brent, demand for advice has continued to increase. However changes in technology and the ways in which people wish to access advice and information have created greater opportunities to engage and support the advice needs of local residents by developing advice and guidance services that provide support in the right place, at the right time, through a range of channels to meet the needs of residents and support resilience building across the borough.
- 5.6 The Independent Advice and Guidance contract originally came to an end in March 2020, however, the council decided to extend this for a further year, as part of a wider strategy to bring all contracts managed by the Strategy and Partnerships into line i.e. to ensure they all ended at the same time.
- 5.7 This approach was agreed at Cabinet on 20 February 2020 as part of a wider strategy to 'put in place a framework during the transition to the new model of collaborative working' with the voluntary sector. The aim was to enable the council to take a strategic overview of what it commissions from the voluntary sector and consider options for commissioning new capacity development and advocacy services in the context of gaps in service, the developing civic society agenda and the changing needs of Brent residents. It also provided the opportunity to review the overall Strategy and Partnerships service commissioning budget and consider where efficiency savings might be made. The IAG contract was subsequently extended again, to March 2022, owing to the Covid-19 pandemic.
- 5.8 Under the current contract, Brent residents receive free access to information, advice and guidance services. The aim is to offer generalist or specialist advice to any resident who requires it. There is a particular emphasis on increasing the service delivered through the Hubs and Family Wellbeing Centres to support vulnerable families including: single-parent families; families with children with additional needs, families supported by Children's Social Care and Early Help. Returning to face-to-face delivery of the service alongside telephone and digital channels.
- 5.9 The contract also funds a general advice service for any Brent resident with needs around housing, benefits, debt, etc. This service is delivered in a number of locations including Community Hubs, Family Wellbeing Centres and current providers' central office.
- 5.10 The service provides assistance to support clients in completing forms/ e-forms, drafting emails and letters and accessing online services. It will also provide assistance contacting third parties to seek information or mediate/ negotiate on the client's behalf. The contract includes Family Wellbeing Centre information, advice and guidance provision.

- 5.11 Family Wellbeing Centre staff identify targeted vulnerable families and signpost them to the information, advice and guidance service. Targeted families include: out-of-work parents, teenage parents, parents with additional needs, parents of children with additional needs, families supported through the Early Help pathway, Supporting Families programme (formerly Troubled Families), families eligible for the Nursery Education Grant (NEG) for 2 and 3 year olds and families supported by Children's Social Care.
- 5.12 The service contributes to a number of the council's strategic objectives:
- **Building a Better Brent 2021-2022** – Brent's Borough Plan. One of the plan's strategic themes is Every Opportunity to Succeed – working in partnership to support children and young people, educational attainment, employment support and skills provision, training and youth opportunities.
 - **Equality Strategy 2019 – 2023** – One of its objectives is to understand the barriers to equality experienced in Brent and act to remove them.
 - **Stronger Communities Strategy 2019-2023** – with the overall aim of making Brent a borough of culture, empathy, and shared prosperity.
 - **Brent Poverty Commission 2020** – supporting residents around housing, digital exclusion and other issues.
 - **Brent Black Community Action Plan** – commits the borough to supporting the black community in a number of ways.
 - **Emerging Joint Health and Wellbeing Strategy** – establishes Brent's shared vision for reducing local inequalities in health and wellbeing and ensuring that everyone, irrespective of where they live, has the best possible chance to live a long, fulfilling and healthy life.
- 5.13 The IAG contract is part-funded by CYP, who will contribute £120,000 per year to the service. Strategy and Partnerships is the lead commissioner, although CYP officers attend and will contribute to monitoring meetings.
- 5.14 As part of the Strategy and Partnership commissioning programme, funding for all the contracts was reviewed and it was decided to reconfigure a number of its contracts, and to decrease the funding of the IAG contract to ensure value for money.
- 5.15 The information in section 6 sets out the contract value for the period 2022/23 – 2025/26.
- 5.16 It is planned to hold a market-warming event, as it has been a number of months since we initially planned to publish the tender opportunity. We hope that this will reinvigorate the market and attract new potential providers who might not have felt able to respond to the opportunity due to the COVID-19 situation.

5.17 The Brent Advisory Partnership (BAP) contract will finish at the end of 21/22. A service delivery element of the BAP which is currently subcontracted to Age UK will be incorporated into this new IAG contract. This is for provision of a home visiting service for people who cannot access advice in the conventional way, this includes people who are housebound due to their disabilities or other vulnerabilities. Severely disabled people of any age, carers of severely disabled people, including disabled children, of any age who are unable to leave their homes due to their caring for responsibilities. Anyone who, due to medical condition(s) pain or disability, has difficulty accessing advice services in the normal manner.

This new service will also provide a digital offer, enabling high quality, tailored, Brent-specific advice as well as referrals to specialist provision.

5.18 Strategy and Partnerships will take a strategic overview of advice provision in the borough by consultation with key partners such as the Community Hubs and Family Wellbeing Centres. The review will include carrying out needs analysis, identifying gaps in provision and assessing how to meet them. This will help to shape the service specification.

5.19 The service will:

- Support the provision of advice to Brent residents in a number of different ways, including face-to-face, online and by telephone
- Address the changes in residents' needs that have come about as a result of the Covid-19 pandemic
- Require the bidder to be an active member of the Poverty Commission, and other council processes to provide insight on residents' needs

5.20 Benefits to be realised through the contract:

- Residents being able to access the support they need in a timely manner within the community.
- A high proportion of residents from a range of backgrounds and needs seeking information and advice
- Increased resident satisfaction with advice and guidance services
- A delivery model that is more closely aligned with Borough Plan priorities
- A reduction in duplication and potential cost savings; and
- A move from core funding to a model which focusses on the delivery of strategic outcomes

5.21 Bidders will be expected to have expertise in relationship building, understanding inequalities and intelligence gathering amongst other skills. Bidders will also have an in-depth understanding of Brent's communities and issues facing them. They will also have an understanding of working with families and the impact of multiple deprivation on outcomes.

5.22 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations for recommendation 2.1 are set out below:

Ref.	Requirement	Response	
(i)	The nature of the services	Independent Advice and Guidance contract. This will enable Brent Council to fulfil its aim of supporting residents and support a thriving local voluntary and community sector.	
(ii)	The estimated value.	The estimated contract cost will be £1,218,100m over four years.	
(iii)	The contract term.	The contract is a two year contract and will include the option to extend for a further two years on a one plus one basis.	
(iv)	The tender procedure to be adopted.	Open procedure. The contract will be put to competitive tender after a market warming exercise.	
v)	The procurement timetable.	Indicative dates are:	
		Market warming event	Wednesday 16/02/2022
		Publish Invitation to Tender	Monday 28/02/2022
		Tender Submission deadline	Wednesday 23/03/2022
		Evaluation and Moderation	Thursday 24/03/2022 – Thursday 14/04/2022
		Scored presentations	Wednesday 20/04/2022
		Report recommending Contract award circulated internally for comment	Friday 22/04/2022 – Thursday 28/04/2022
		Strategic Directors Key Decision	Friday 06/05/2022
		10 calendar day standstill period – notification issued to all tenderers (incorporate 5-day call in period)	Monday 09/05/2022 – Thursday 19/05/2022
		Service Mobilisation	Friday 20/05/2022 – Monday 20/06/2022
		Contract Commencement	Tuesday 21/06/2022

Ref.	Requirement	Response										
(vi)	The evaluation criteria and process.	<p>An open tendering process will be used for the procurement. Bidders will be required to complete a selection questionnaire which officers will review to ensure they meet the Council's financial standing requirements, technical capacity and technical expertise.</p> <p>Bidders that pass will be subject to a number of scored questions to understand how they will deliver the service. Bidders who do not meet the required quality and social value threshold will have their tender disregarded and not have their price score evaluated.</p> <p>The most economically advantageous tender calculation will be based on:</p> <table border="1"> <thead> <tr> <th>Criteria</th> <th>Weighting</th> </tr> </thead> <tbody> <tr> <td>Quality/Technical</td> <td>45%</td> </tr> <tr> <td>Social value</td> <td>10%</td> </tr> <tr> <td>Commercial assessment</td> <td>40%</td> </tr> <tr> <td>Presentation</td> <td>5%</td> </tr> </tbody> </table> <p>The top two ranking bidders will be invited to a scenario based presentation which will be scored by an evaluation panel consisting of Council staff and residents. The scenario and format of the presentation will be provided in the published Invitation to Tender.</p>	Criteria	Weighting	Quality/Technical	45%	Social value	10%	Commercial assessment	40%	Presentation	5%
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(vii)	Any business risks associated with entering the contract.	<p>There are limited business risks considered to be associated with entering into the proposed contract. The service is a statutory service so Brent has to provide it in line with government guidance. The successful provider will engage with vulnerable people as part of the delivery of its services and therefore will be asked to provide safeguarding, risk assessment and health and safety policies, as part of the due diligence process.</p>										
(viii)	The Council's Best Value duties	<p>We have addressed this by benchmarking costs against similar boroughs and also reviewing costings with the finance department. The use of a competitive process through an Open procurement process will assist the Council in meeting its Best Value duties.</p>										

Ref.	Requirement	Response
(ix)	Consideration of Public Services (Social Value) Act 2012	See section 11 below.
(x)	Any staffing implications, including TUPE and pensions.	See section 7 below.
(xi)	The relevant financial, legal and other considerations.	See sections 6 and 7 below.
(xii)	Sustainability	This has been assessed in line with the Procurement Sustainability Policy and determined that a quality measure for sustainability is not required and can be captured as part of the Social Value criteria.
(xiii)	KPIs/ Outcomes	Outcome-based KPIs are being developed and will be included in the service specification when published.
(xiv)	London Living Wage	In line with the council's procurement strategy, all providers are required to pay all staff LLW as a minimum.
(xv)	Contract management	<p>The contract will be monitored monthly with the provider being asked to supply data that demonstrates progress against agreed outcomes.</p> <p>The provider will also be asked to provide quarterly financial monitoring data evidencing spend against budget and an explanation of any variance.</p> <p>The provider will be asked to send their annual report as soon as it is available.</p>

6.0 Financial implications

- 6.1 This report is to invite to tender for the Independent Advice & Guidance Services for Brent residents.
- 6.2 The estimated value of the contract is a total of £1,218,100m. It is a two-year contract with an option to extend for two 1-year extensions and the annual value is £304,525.
- 6.3 Contract costs

Funder	Costs (per year)
Children and Young People Service Contribution	£120,000
Strategy and Partnerships (Advice & Guidance)	£ 184,525
Total contract costs over 4 years	£1,218,100

- 6.4 The contract will be met from within the budget and will be jointly funded from the Advice & Guidance service within Strategy & Partnerships contributing £184,525 and the remaining £120,000 from Children & Young People service contribution.

7.0 Legal implications

- 7.1 Under the Public Contracts Regulations 2015 ('the Procurement Legislation'), the services to be delivered under Independent Advice and Guidance contract is a Schedule 3 service. The estimated value of the contract is above the relevant threshold for Schedule 3 services and as such, there is a requirement under the Procurement Legislation for the contract to be advertised and placed on the UK Find a Tender Service ('FTS') with the applicable rules for tendering and selection of a provider set out therein.
- 7.2 Based on the estimated value of the contract over its lifetime, it is deemed a Medium Value Contract under the Council's Contract Standing Orders (CSO) and Financial Regulations. CSO 95(c) provides that for Schedule 3 Services with value above the threshold, tenders should be invited using the open, restricted or any of the procedures under the Regulations, by placing a notice in FTS and on Contract Finder as set out in CSO 95 or such additional procedures as are consistent with the Procurement Legislation. The procurement process that will be undertaken is as set out in the Table at paragraph 5.22 of this report. Assistant Chief Executive's approval to invite tenders for this contract and of the pre-tender considerations set out in the Table at paragraph 5.22 above, is also required in accordance with Standing Order 88 and Standing Order 89.
- 7.3 Key Decision – As the decision that is being sought here is a Key Decision, the decision may not be taken by the Assistant Chief Executive unless this matter has been publicised in the Forward Plan. The Key Decision must be included on the Forward Plan not less than 28 days before the decision is to be made. (Paragraph 33 of the Access to Information Rules). Once the Officer/ Cabinet member decision is made it has to be recorded using the "Record of Officer's Decision" / "Record of Cabinet Member Decision" form and published on the internet along with the Key Decision Report. A 5 clear day call-in period must then be observed.
- 7.4 Once the tendering process is completed, Officers would generally report to Assistant Chief Executive in accordance with Contract Standing Orders, explaining the process undertaken and recommending award. The Assistant Chief Executive will consult Lead member for Community Engagement and

Community Safety, to award the contract on completion of the procurement process.

- 7.5 The Council intends to observe the 10 calendar days standstill period under the Regulations before the contract 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. At the end of the standstill period the Council can issue a letter of acceptance to the successful tenderer and the contract may commence.
- 7.6 Other staffing implications including TUPE - The service is currently provided by external service provider and there is no direct staffing implications for the Council staff arising from the retendering the contract under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE). However, Officers will obtain Employee liability information from the current provider to share with the bidders as part of the procurement process. Officers will also review TUPE costs and consider how best to setup the offer to make the opportunity attractive to the market.

8.0 Equality implications

- 8.1 The Council must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment and victimisation
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, pursuant to s149 Equality Act 2010. This is known as the Public Sector Equality Duty.
- 8.2 Under the Public Sector Equality Duty, 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.
- 8.3 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.4 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. The Assistant Chief Executive is referred to the contents of this report for information, in particular the Equality Analysis at Appendix 1.

- 8.5 The proposals in this report have been subject to screening and Officers believe that there are no adverse equality implications.

9.0 Consultation with Ward Members and Stakeholders

- 9.1 The Strategy and Partnerships team is working closely with stakeholders to develop the service specification for this tender. A survey was carried out with voluntary and community sector to ascertain their capacity building requirements; this and other consultation carried out by the Council's Grant Team is being used to inform the development of the specification.
- 9.2 The Strategy and Partnerships service has also consulted with the lead member and we plan to include service users as part of the evaluation panel.

10.0 Human Resources/Property Implications (if appropriate)

- 10.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from retendering the contract.
- 10.2 This service is currently based in offices situated at 270-272 High Road, London NW10 2EY. These offices are subcontracted from Citizens Advice Brent. We require the successful bidder to have some presence in the Borough.
- 10.3 In light of the COVID-19 pandemic providers will be asked to outline how they intend to deliver services with government guidelines in mind such as working from home arrangements.

11.0 Public Services (Social Value) Act 2012

- 11.1 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 well-being 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.
- 11.2 It is the intention within this tender that 10% of the total evaluation criteria will be reserved for social value considerations.
- 11.3 Bidders will be asked to provide a social value action plan and method statement which then be measured for impact and delivery over the life of the contract through the Contract Management function.

Report sign off:

Shazia Hussain
Assistant Chief Executive