

Officer Key Decision

14 July 2022

Report to Strategic Director Children and Young People

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: Equalities Impact Assessment	
Background Papers:	None	
Contact Officer(s): (Name, Title, Contact Details)	Shirley Parks Interim Operational Director, Safeguarding, Partnerships and Strategy Shirley.parks@brent.gov.uk Michelle Gwyther Interim Head of Forward Planning, Performance and Partnerships Michelle.gwyther@brent.gov.uk Sharon Buckby Head of Inclusion and Virtual School Headteacher sharon.buckby@brent.gov.uk	

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)

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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 in paragraph 4.3.

3. Background

- 3.1 Under Section 10 of the Children Act 2004, local authorities are required to cooperate 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 (NWL ICS) 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 Demand for Mental Health and Wellbeing Services in Brent:
 - ➢ Brent has the second highest estimated number of children and young people with Mental Health difficulties in North West London (NWL) (6362) aged 5-18. The highest is Ealing with 6783 children and young people. 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)
 - The NWL ICS Children and Young People's Mental Health and Wellbeing Local Transformation Plan 2019–2024 highlights that 50% of all mental health problems manifest by the age of 14, and 75% are present by the age of 24.
 - ➤ The number of children and young people accessing eating disorder services in NW London has increased significantly during 2019/20 (368) and 2020/21 (493), compared to 152 young people being seen by community teams in 2018/19.
 - An increasing number of children and young people are presenting at A&E with complex behaviour/mental health issues or with ASD/LD. The Dynamic Support Register (DSR) is a rolling list of Children and Young People when there are escalating concerns and discharged when mitigations are effective within a 6

- month period. In October 2021 a total of 22 CYP were on the register and in March 2022 this increased to a total 25 CYP on the register.
- As at June 2022 181 children and young people were on a Brent CAMHS treatment waiting list.
- ➤ CAMHS and Brent 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.
- 3.4 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. A 4 month extension from 1 October 2022 to 31 January 2023 was approved by the Strategic Director on 28 June 2022 to allow sufficient time to tender for a new service.
- 3.5 The current contract with the Anna Freud Centre is aimed at the effective early targeting of help to 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 support. The service is targeted at priority groups including Looked After Children, children with disabilities aged 0-25, children and young people with social, emotional and mental health needs, children and young people at risk of exclusion from school or alternative provisions and children and young people who are at risk of multiple vulnerabilities including child sexual exploitation, gang affiliation and domestic violence. The service also provides support, clinical advice and training for professionals working directly with children, young people and their families and two thematic training sessions a year for Brent schools.
- 3.6 The range of need for the service is extensive, with the most commonly reported factors included 'risk of abuse from self or others' (38%) and 'parental issues or concerns' (34%) and more than 1 vulnerability factor was reported for 127 children and (71%). During 2021/22 the three most frequently referred age groups referred to the service were children aged 13 years (11%), 9 years (10%) and 11 years (9%). Of the young people referred to the service, 62 were female (37%) and 106 were male (63%). 41 children and young people (23%) had a listed disability. The ethnic groups making up the highest percentage of referrals were White British' (41%) and Black Caribbean (27%). The main sources for referrals were: Schools (52%), social care teams (18%), Parent/Family (15%), Early Help (7%), Brent Outreach Autism Team (4%), West London Zone (1%) and Speech and Language Therapists (1%). During the last reporting period from 4 Jan 2022 to 18 April 2022 the service received 86 new referrals with a total of 176 children and young people accessing the service during this period.
- 3.7 The Council and Central and North West London NHS Health Trust, the Brent CAMHS provider, have entered into a number of Section 75 agreements for the provision of additional community mental health and wellbeing projects, including

early intervention and prevention services. The agreements include funding of £250K to commission preventative and early intervention mental health and wellbeing support of children and young people. In a joint commissioning approach, it has been agreed that this funding will support the delivery of additional clinical input to this service focused on piloting a targeted school and community based peripatetic delivery model as part of the contract, as outlined below in section 3.11 and 3:12.

- 3.8 The Council and CNWL have jointly agreed the service specification for the Targeted Mental Health and Emotional Wellbeing Service for Children and Young People in Identified Vulnerable Groups in Brent. The approach is 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 professionals and carers.
- 3.9 The new commissioned service will provide a core service offer for a Targeted Mental Health and Emotional Wellbeing Service for Children and Young People in Identified Vulnerable Groups as detailed in section 3.10 and the provision of additional clinical input for a period of 18 months to the peripatetic delivery model which will provide targeted support within identified schools and communities as detailed in section 3.11 and 3.12.
- 3.10 The Core Service will run over 3 years and will 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 this is 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 according to assessed need either referring children and young people to the targeted emotional health and wellbeing clinical support provided by the service or signposting to other services.
 - ➤ 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.
- 3.11 The funding of £250K from CNWL will provide the opportunity to pilot a peripatetic delivery model aimed at dealing with gaps in current provision identified by Brent schools and the Inclusion Service. The proposed model is informed by approaches implemented in other local authorities, such as Hillingdon and Islington. The model will provide additional clinical input to schools and communities where there is a high level of need and where children are not engaging in education. The additional funding will provide a minimum of 2 additional clinicians at Band 7 which could either be a Clinical Psychologist, a Child and Adolescent Psychotherapist or a Family Therapist. They will form part of a peripatetic team that will also consist of 2 FTE Tutors and 1 Education Psychologist to offer a holistic service to schools and communities.
- 3.12 The scope of the work of the additional clinicians supporting the peripatetic delivery model will be to:
 - Provide a holistic assessment of young people's mental health and find out what their behavioural and emotional needs are, with relevant action/referral identified
 - Receive referrals from the school wellbeing professionals, make an assessment of needs and develop appropriate intervention plans
 - Provide screening for developmental disorders such as ADHD and Autistic Spectrum Disorder and/or post diagnosis liaising with EP to enable effective in school support
 - Rapid support to include both signposting to appropriate services or direct intervention
 - > Work with the child and family on the most appropriate intervention plan
 - Screen referrals to CAMHS and fast-track to the core CAMHS team for support where relevant
 - Where there is absence from school due to wellbeing/health needs, the tutors will be a bridge for children from home to school to support their regular attendance
- 3.13 The expected impact from the additional clinical resource is to support one or more of the following outcomes:
 - Reduction in referrals into core CAMHS teams
 - Reduction in core CAMHS team's length of stay through additional support earlier than currently available
 - Additional support for those on core CAMHS teams waiting lists, potentially preventing children becoming more complex or presenting in crisis
 - Reduction in children presenting with emotionally based reasons for school avoidance

- 3.14 The additional funding of £250k will provide a unique opportunity to test this model. An evaluation will take place at an agreed point towards the end of the 18 month pilot period to inform the service model and for CNWL to take a decision on future funding towards the service.
- 3.15 The development of the proposed services 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, The NHS Long Term Plan and in consultation with CNWL.
- 3.16 Officers are recommending a contract term of 2 years with the option to extend by a further 12 months from 1 February 2023 to 31 January 2026. The core service outlined in section 3.10 will be funded for the 3 year contract term as detailed in section 5. The funding for the provision of additional clinical input to support the peripatetic delivery model will be funded for 18 months from 1 February 2023 to 31 July 2024. An evaluation will be undertaken at an agreed point towards the end of the 18 month programme for CNWL to take decisions on any future funding commitment to the service.
- 3.17 The proposed timeframe of this contract will allow 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.

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.	£1,749,568
(iii)	The contract	2+1
	term.	
(iv)	The tender	Open procedure
	procedure to	
	be adopted.	

Ref.	Requirement	Response				
v)	The procurement timetable.	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.				
		Stage	Deadline			
		Tender publish	21 July 2022			
		Tender deadline	22 August 2022			
		Tender Evaluation	12 September 2022			
		Tender Moderation	13 September 2022 – 15 September 2022			
		Presentation	16 September 2022			
		Draft award report and Report circulated	16 September 2022 – 26 September 2022			
		Children and Young People Department Management team sign off	03 October 2022			
		Strategic Director of Children and Young People sign off	05 October 2022			
		Notification to bidders of intention to award contracts	10 October 2022			
		Standstill Period	10 October 2022 20 October 2022			
		Award of Contracts	25 October 2022			
		Begin TUPE Consultation	27 October 2022			
		Contract Mobilisation Meeting with Contractor	27 October 2022			
		Service start date	01 February 2023			
(vi)	The evaluation criteria and	Organisations will be required to complete a selection questionnaire which officers will review to ensure organisations				

Ref.	Requirement	Response			
	process.	meet the Council's financial standing requirements, technical capacity and technical expertise. At tender evaluation stage a panel of evaluators, which will include a representative from CNWL, will score the tenders to identify the Most Economically Advantageous Tender (MEAT) based on 40% of points being awarded for Quality, 10% presentation, 40% of points being awarded for Price and 10% of points being awarded for Social Value. The highest ranked tenderer will be recommended for the forward			
		of contract.			
(vii)	Any business risks associated with entering the contract.	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.			
		2. Transfer and continuity of service if there is a change in provider: In order to minimise impact on children and young people, 3 months have been allowed for mobilisation.			
		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 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 2 years with the option to extend by a further 12 months, the total cost of the proposed contract is £1,749,568. This will be funded by annual contributions from DSG (£216,856), Pupil Premium (£65,000) and the General Fund (£218,000) and a one-off contribution from CNWL of £250,000 which will be allocated to Year 1 and Year 2. The table below shows the funding available across the 3 year period. Any contract beyond this 3 year period would require additional funding to be agreed.

Source	Year 1	Year 2	Year 3	Total over 3 years
Pupil premium (VS)	£65,000	£65,000	£65,000	£195,000
General fund	£218,000	£218,000	£218,000	£654,000
DSG	£216,856	£216,856	£216,856	£650,568
CNWL	£166,666	£83,334	-	£250,000
Total	£666,522	£583,190	£499,856	£1,749,568

6. Legal Implications

- 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 two years with the option to extend by a further 12 months. The estimated value of the proposed contract over its lifetime is £1,749,568; see the table at paragraph 5 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.
 - 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 Order 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).
- 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 Officers at paragraph 3.4 indicate that the current contract with the Anna Freud Centre expires on 31 January 2023.
- 6.7 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.
- 6.8 The council's duties in connection with the Public Services (Social Value) Act 2012 are contained in Section 10 (below).
- 6.9 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. The proposed service design has 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, Young People and Schools 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:

Gail Tolley

Strategic Director Children and Young People