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|                  | <b>Officer Key Decision</b>   |
|   | <b>Report to the Corporate Director,<br/>Health and Adult Social Care</b> |
| <b>Authority to Tender contract for Child Weight Management Service for Children Aged 5 to 18</b> |   |

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| <b>Wards Affected:</b>   | All Wards  |
| <b>Key or Non-Key Decision:</b>  | Key Decision   |
| <b>Open or Part/Fully Exempt:</b><br>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act) | Open   |
| <b>No. of Appendices:</b>  | None   |
| <b>Background Papers:</b>  | None   |
| <b>Contact Officer(s):</b><br>(Name, Title, Contact Details)   | Marie Mcloughlin<br>Public Health Consultant<br>020 8937 2007<br>Marie.McLoughlin@brent.gov.uk<br><br>Shona Okeke<br>Public Health Strategist<br>Email: Shona.Okeke@brent.gov.uk |

## 1.0 Purpose of the Report

- 1.1 This report requests approval to tender for Tier 2 Child Weight Management services for children and young people aged 5 to 18. This report requests approval to invite tenders in respect of Tier 2 Child Weight Management as required by Contract Standing Orders 88 and 89.

## 2.0 Recommendation(s)

That the Corporate Director, Health and Adult Social Care:

2.1 Approves inviting tenders for Tier 2 Child Weight Management services for children and young people aged 5 to 18 on the basis of the pre - tender considerations set out in paragraph 5.5 of the report.

2.2 Approves Officers evaluating the tenders referred to in 2.1 above on the basis of the evaluation criteria set out in table 5.5.

### 3.0 **Detail**

3.1 The Council have had a contract for the Child and Family Weight Management with Beezee Bodies C.I.C. ("BZB") from the 1 October 2021 until 31 March 2022. Previously Public Health England ("PHE") provided joint funding to Brent, Enfield, Waltham Forest and Hounslow boroughs for the sum of £1,195,372 to fund the programme. The grant funding was paid to Hounslow, to be distributed equally between each of the four boroughs. The Council's contract with BZB expired on the 31 March 2022 as the funding from PHE was no longer available.

3.2 Due to the length of time signing contracts, putting governance in place and recruiting staff, the Child & Weight Management programme didn't start until October 2021. BZB had only nine months setting up and delivering the programme. .

3.3 Authority was sought to direct award a contract from the 1 April 2022 until 31 March 2023 to give time to go out to tender as an evaluation showed that obesity levels within Brent are declining slowly. This contract has subsequently been extended to the 31 August 2023. Direct award has been sought for a further 3 months in order to have sufficient time to procure a new contract.

3.4 Brent has made a commitment to tackling childhood obesity through the Joint Health and Wellbeing Strategy, which highlights the importance of creating healthy lives, places and spaces so that children can start well and end well. This is supported by the NHS Long Term Plan and the London Obesity Taskforce through the development of 'every child a healthy weight'. This documents outlines the key priorities for local authorities to take a whole system approach to tackling obesity.

3.5 The current service provides a triage programme for children who live, attend school or have a GP in Brent. The programme provides a 12 week health lifestyles programme for children aged 5 to 15 as well as alternative provisions to suit the family lifestyle such as a 1-1 programme and an online offer.

3.6 As this programme comes to an end, the Council now need to tender for a new programme considering what Officers have learned about the population of Brent, and the feedback received from the previous programme.

## **4.0 Development of the specification**

- 4.1 Our latest data from the National Childhood Measurement Programme (NCMP) shows that obesity in Brent is still high in comparison to the London and the UK, however Brent has seen an increase in children with healthy weight between 2019/20 and 2021/22 and a slight decrease in children presenting as overweight and very overweight categories over the same period. This tells us that the initiatives that are in place are working.
- 4.2 The new service specification was developed in line with the NICE guideline recommendations around commissioning for Tier 2 weight management services for children and families. The specification also brings into focus the importance of working with families and communities. The specification also reflects the ambitions of the Black Community Action Plan and it supported by the feedback from recent participants who have recently used the current Weight Management Programme.

## **5.0 Ambitions for the new programme**

- 5.1 The service will be a holistic healthy lifestyle programme for children and young people aged 5 to 18 who live, attend school or have a GP in Brent. Once initial contact is made, participants should be triaged into the most appropriate programme to enable them to have access to a menu of weight management and healthier lifestyle services for a maximum of 12 weeks, including health education and physical activity. The programme will be aimed at the family as a whole but aims to support children and young people to reduce their weight.
- 5.2 Alongside the tailored weight management programme, the Provider should also make links into communities of interest and place to co-produce short term healthy lifestyle workshops for 4-8 weeks within a community setting/local asset. The aim of these sessions are to bring lifestyle messages and health promotion to the heart of communities, and allow them a chance to shape these workshops themselves so that the messaging and the decisions to live healthier lifestyles are sustainable.
- 5.3 Finally, the service will also be available to support wider health and wellbeing events and workshops with information on healthy eating run at the discretion of Brent Council.
- 5.4 This contract is aiming to go live by 1<sup>st</sup> December 2023 to ensure that there is continuity for families currently engaged in the programme
- 5.5 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations have been set out below for the approval of the Corporate Director.

| <b>Ref.</b> | <b>Requirement</b>                  | <b>Response</b>   |                              |
|-------------|-------------------------------------|---|------------------------------|
| (i)         | The nature of the service           | Tier 2 children's weight management service   |                              |
| (ii)        | The estimated value.                | £1,750,000  |                              |
| (iii)       | The contract term.                  | 3 years +1 + 1  |                              |
| (iv)        | The tender procedure to be adopted. | Open  |                              |
| v)          | The procurement timetable.          |   | <b>Indicative dates are:</b> |
|             |                                     | Adverts placed  | 07/08/23                     |
|             |                                     | Invite to tender  | 07/08/23                     |
|             |                                     | Deadline for tender submissions   | 07/09/23                     |
|             |                                     | Panel evaluation and moderation   | 07/09/23 – 21/09/23          |
|             |                                     | Report recommending Contract award circulated internally for comment & strategic Director approval                            | 21/09/23 - 05/10/23          |
|             |                                     | 5 Day Call in Period  | 05/10/23 - 10/10/23          |
|             |                                     | 10 calendar day standstill period – notification issued to all tenderers and additional debriefing of unsuccessful tenderers. | 05/10/23 - 15/10/23          |
|             |                                     | Contract Mobilisation   | 15/10/23 - 01/12/23          |
|             |                                     | Contract start date   | 01/12/23                     |
| (vi)        | The evaluation criteria and         | 1. At selection stage shortlists are to be drawn up in accordance with the Council's Contract                                 |                              |

| Ref.   | Requirement   | Response   |
|--------|---|--|
|        | process.  | <p>Procurement and Management Guidelines by the use of a selection questionnaire to identify organisations meeting the Council's financial standing requirements, technical capacity and technical expertise.</p> <p>2. At tender evaluation stage, the panel will evaluate the tenders against the following criteria:</p> <ul style="list-style-type: none"> <li>• 70% quality</li> <li>• 10% social value</li> <li>• 20% price</li> </ul> |
| (vii)  | Any business risks associated with entering the contract. | No specific risks identified   |
| (viii) | The Council's Best Value duties.                          | The adoption of an open procedure will allow the council to open up the opportunity to the market and ensure best value for money  |
| (ix)   | Consideration of Public Services (Social Value) Act 2012  | See section 9.0 below  |
| (x)    | Any staffing implications, including TUPE and pensions.   | Yes  |
| (xi)   | The relevant financial, legal and other considerations.   | See sections 4.0 and 5.0 below.  |

3.3 The Corporate Director is asked to give its approval to these proposals as set out in the recommendations and in accordance with Standing Order 89.

#### 4.0 Financial Implications

4.1 The estimated value of this service contract is £1,750,000 over 5 years

4.2 It is anticipated that the cost of this contract will be funded from the Public Health grant.

#### 5.0 Legal Implications

5.1 Officers are proposing to the tender for the Child Weight Management Services. The value of the Contract is £1,750,000, which is above the threshold for services under the Public Contract Regulations 2015

(‘Procurement Regulations’). The Contract will be subject to the full application of the Regulations 2015.

- 5.2 The value of the Contract is such that it is classed as a Medium Value Contract under the Council's Contract Standing Orders and Financial Regulations. For Medium Value Contracts, the Corporate Director must approve the pre-tender considerations set out in paragraph 5.5 above (Standing Order 89) and the inviting of tenders (Standing Order 88).
- 5.3 Once the tendering process is undertaken, Officers will report back to the Corporate Director in accordance with Contract Standing Orders, explaining the process undertaken in tendering the contracts and recommending award.
- 5.4 As this procurement is subject to the full application of the Procurement Regulations, the Council must observe the requirements of the mandatory minimum 10 calendar standstill period imposed by the Procurement 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. The standstill period 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 period, at the end of the standstill period the Council can issue a letter of acceptance to the successful tenderer and the contract may commence.
- 5.5 As staff will be transferring from the incumbent provider to the new provider, the Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE”) will apply to this Contract. Officers should ensure that the incumbent and new service providers comply with TUPE Regulations. .

## **6.0 Equality Implications**

- 6.1 Pursuant to s149 Equality Act 2010 (the “Public Sector Equality Duty”), the Council must, in the exercise of its functions, have due regard to the need to:
  - (a) eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act
  - (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,
- 6.2 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.

6.3 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.

6.4 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.

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

## **7.0 Consultation with Ward Members and Stakeholders**

7.1 N/A

## **8.0 Human Resources/Property Implications (if appropriate)**

8.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from retendering the contract

## **9.0 Public Services (Social Value) Act 2012**

9.1 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.

9.2 Relevant Social Value Act considerations are to be included in the procurement of the Contract, to include reference to social value being 10% of the evaluation score in order to meet the following requirements:

- Strong Foundations
- A cleaner, more considerate Brent
- A borough where we can all feel safe, secure, happy and healthy

**Report sign off:**

**Melanie Smith**

Director of Public Health