



Executive
18 January 2010

**Report from the Director of
Housing and Community Care**

Wards affected:
ALL

**Authority to tender a contract for Supporting People
funded services for domestic violence floating support
service**

Forward Plan Ref: H&CC-09/10-25

1 Summary

- 1.1 This report seeks authority to invite suitable providers to tender for a contract as required by Contract Standing Orders 88 and 89. The award of a contract will be for the provision of a Supporting People funded domestic violence floating support service.
- 1.2 The Executive agreed on 15th June 2009 that the Supporting People domestic violence floating support services should be tendered as part of the Families floating support framework (under Families with complex needs framework). This report additionally seeks authority to tender the contract for the provision of the domestic violence floating support service not as part of the Families floating support framework but as a separate contract.

2 Recommendations

- 2.1 The Executive to agree that the tender of the Supporting People domestic violence floating support service be taken out of the tender for the Families floating support framework and be separately tendered alongside the service for women fleeing domestic violence accommodated in refuges.
- 2.2 The Executive to give approval to the pre tender considerations and the criteria to be used to evaluate tenders to award a contract for the provision of Supporting People funded services for floating support service for women escaping domestic violence with a range of support needs as set out in paragraph 7.1 of this report.

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2.3 The Executive to give approval to officers to invite tenders and evaluate them in accordance with the approved evaluation criteria referred to in paragraph 2.2 above.

3.0 Detailed Background – Supporting People

3.1 As detailed in the report to the Executive of 15 June 2009 regarding the Supporting People Families floating support framework, a strategic review of family services funded by Supporting People (“SP”) was undertaken that concluded in April 2009. Following the review a report was presented to the Commissioning Body in May 2009 recommending the tendering of services and setting out how they should be packaged. At this time it was considered that the domestic violence floating support service for women escaping domestic violence with a range of support needs should be tendered as part of the Families floating support framework. Details regarding the background to the domestic violence floating support contract were set out in that report. Members will recall approving the tendering of the domestic violence floating support service as part of one of the Families frameworks.

3.2 In March 2009 a decision was taken to complete a strategic review of domestic violence services funded by SP which was completed in June 2009. As a result of this review, a report was presented to the Commissioning Body in June 2009 recommending the tendering of these services, and setting out how they should be packaged. The Commissioning Body agreed that SP funded domestic violence services needs to be re-tendered.

3.3 A report was presented to the Executive on 14 December 2009 containing detailed information about the strategic review of SP funded domestic violence services and proposals for future SP funded domestic violence services. The report outlined the consultation that had taken place with service users and providers. At the Executive on 14 December 2009, Members approved the tendering of a contract for an accommodation based service for women fleeing domestic violence accommodated in refuges,

3.4 Following the completion of the strategic review of domestic violence services funded by SP, Officers have further considered tendering proposals. Officers consider that the domestic violence floating support service links closely with the contract for the service for women fleeing domestic violence accommodated in refuges. It is felt that the range of providers who will bid for both contracts are likely to be the same. It is considered that tendering both contracts together will result in greater opportunity for efficiency savings. Officers also consider that as the refuges tender will include specialist provision for Asian women, there will be a need to ensure their needs are also addressed by the floating support services and this can be best done by tendering both contracts together.

3.5 As detailed in paragraph 3.4, Officers consider that there are good operational reasons for linking the procurement of the two domestic violence tenders. Also, the removal of the domestic violence floating support service from the Families framework procurement is not considered to jeopardise that

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procurement. SP officers feel that as a result of closer partnership work with the Think Families Programme, there is likely to be an increase in the numbers of referrals for the provider of SP funded complex families' client group. The Think Families Programme is geared with the whole family engaging and signing up for the programme, an approach that does not fit with domestic violence where women who are experiencing domestic violence will want to be supported away from their perpetrator. For such reasons SP officers consider it more appropriate to procure the domestic violence floating support contract and link it with the tender for the domestic violence refuge tender. This will permit domestic violence services to retain its specialism.

3.6 It is considered that any loss of savings in the Families framework procurement by removal of the domestic violence floating support service will be more than offset by the possibility of savings by linking this service with the service for women fleeing domestic violence accommodated in refuges

4. Proposals for Tendering

4.1 SP currently allocates a total of 2.38% of the £12.8 million SP budget and commissions two providers for domestic violence services. The organisations are commissioned to provide:

- A service for Asian women accommodated in refuges and a floating support service for Asian women (with a capacity for a total of 6 women + 10 children for the service for women (and children) accommodated in refuges and with a capacity to support 15 Asian women for floating support).
- A generic service for women accommodated in refuges and a floating support for women from all backgrounds (with a capacity for a total of 13 women + 32 children spread out between two refuge locations and with a capacity to support 32 women for floating support).

4.2 The SP Team propose that current floating support service for women escaping domestic violence is reconfigured into one contract which will have a capacity to support up to 47 women that can provide structured and intensive support to women escaping domestic violence with a range of complex needs, supporting women from all backgrounds, including Asian women. The services would focus on working jointly with a range of stakeholders such as Children's Services, Family Welfare services, the Council's family Intervention Project, the Drug and Alcohol Action Team, Health services, Housing, Community Safety Team and other appropriate organisations to improve outcomes for vulnerable families.

4.3 The complex needs addressed could include mental health issues, physical health needs, substance misuse, forced marriages, women wishing to exit prostitution and trafficking.

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- 4.4 The objective of this tender exercise is to improve the quality of the floating support services for women escaping domestic violence and by combining current contracts, small efficiencies will be made. In providing floating support services to women escaping domestic violence providers will need to demonstrate sensitivity and the ability to provide ethnically and culturally sensitive services, including Asian women and respond to the needs of Brent's diverse communities and be able to link in with different partner agencies and agendas. The contracts will be awarded to the tender who submits the most economically advantageous tender for the service.
- 4.5 The exact requirements and quantities of services for the floating support service for women escaping domestic violence will be outlined in a detailed service specification.
- 4.6 Currently, 8 staff provide support to approximately 66 service users (and 42 children) across both the refuge and floating support services, delivering an average of 280 hours/week. As detailed in paragraph 3.4, the intention is to procure the domestic violence services as two contracts. With the SP contracts proposed for services for domestic violence services it is envisaged that 25 service users (and their children) will be supported in refuges and 47 women (and their children) will be supported with the floating support service.
- 4.7 As the existing contracts for floating support and services for women accommodated in refuges are due to expire in April 2010, they will need to be extended until March 2011 using delegated powers to ensure sufficient time for the procurement process to be undertaken.
- 4.8 For the award of the contract for floating support services for women escaping domestic violence, officers are recommending that the period for the contract is 2 years with an option for a 2 year extension, where performance is satisfactory.

5 Monitoring

- 5.1 SP funded services will be monitored by the SP Unit. The current providers are required to submit quarterly monitoring data on their performance to the SP Team and attend regular meetings for this. In addition to these meetings the SP Team will also conduct an annual Quality Assessment Framework review of the service.
- 5.2 It is proposed that monitoring of the new contracts will be more service user centred, outcome focussed, and provide good quality services within the resources available. Annual service user satisfaction surveys will also be carried out. The future provider will also be asked to submit regular monitoring data that is required by the various statutory funding agencies, which informs the National Performance Indicators. All monitoring will be carried out by the SP Team and will also draw on stakeholder feedback. This will include appointment of a lead contract manager and annual performance review meetings.

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5.3 It is envisaged that services will be monitored through the Quality Assessment Framework which will have specific performance indicators and outcomes set. These will include: successfully supporting women escaping domestic violence to live independently, enabling support during difficulties by clear signposting to services; and ensuring the support worker is skilled in identifying complex needs and issues such as substance misuse and measures are in place for addressing possible child protection concerns and other complex needs.

6 Access to Services

6.1 Access to the newly commissioned floating support service for women escaping domestic violence service will be via an SP funded central referral service (Start Plus).

7 Pre-Tender Considerations.

7.1 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations have been set out below for the approval of the Executive

Ref	Requirement	Response
(i)	The nature of the service	A floating support service for up to 47 women escaping domestic violence The Contract will be targeted to help women escaping domestic violence who may have a range of complex needs (Mental Health needs, substance misuse issues); Asian women, BMER (Black Minority Ethnic and Refugee) women escaping domestic violence who may or may not have complex needs; single women (including BMER women) escaping domestic violence who may have complex needs; forced marriages and women wishing to exit prostitution and trafficking
(ii)	The future estimated value of a contract:	Up to £141K per annum for the service for 47 women receiving floating support (Up to £564k over 4 years).
(iii)	The contract term	The contract will be for a maximum 4 year contract term - 2 years with an option to extend for a further 2 years.
(iv)	The tender	Formal tendering (including advertising) with a two

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	procedure to be adopted:	stage (restricted) procedure leading to the appointment of provider to a contract, in accordance with the procedure set out in Council's Standing Orders 96(c). Evaluation will be on the basis of the most economically advantageous tender.	
(v)	Procurement timetable	Indicative dates are:	
		Adverts placed	Feb 2010
		Seminar for Interested Parties	March 2010
		Expressions of interest returned	March 2010
		Shortlist drawn up in accordance with the Council's approved criteria	April 2010
		Invite to tender	April 2010
		Deadline for tender submissions	June 2010
		Site Visits	June/July2010
		Interim Panel evaluation	July 2010
		Interviews	July/August 2010
		Final Tender Evaluation and Contract Decision	August 2010
		Report recommending Contract award circulated internally for comment	Sept/Oct 2010
		Executive approval	September/Oct 2010
		Contract award	Sept/Oct 2010

		Contract start date	1 st April 2011
(vi)	The evaluation criteria and process.	<p>Shortlists of those to be invited to tender are to be drawn up in accordance with the Council's Contract Management and Procurement Guidelines namely the pre qualification questionnaire (PQQ) and thereby meeting the Council's minimum standards of financial standing, technical capacity and professional and technical expertise.</p> <p>Award of the contract will be made on the basis of the most economically advantageous offers, with the tenders to be evaluated against the following evaluation criteria:</p> <p>Tendered Price (50% weighting)</p> <p>Quality assessment (50% weighting) using the following criteria:</p> <ul style="list-style-type: none"> • Methods of service delivery within Brent • Service User involvement and choice including the service provider's ability to respond flexibly to the specific needs of the respective service user groups and the ability to facilitate involvement of service users in the shaping and delivery of services they receive. • Methods for ensuring Quality performance and good outcomes, including demonstration of how service standards will be maintained and monitored. • Approach to working with women (to include women of Asian, BMER and all other backgrounds) escaping domestic violence with complex needs/issues • Approach to Partnership working with the Council and other agencies. • Added Value and innovation. 	
(vii)	Any business risks associated with entering the contract.	<p>All existing providers are locally based organisations working with women (and children) escaping domestic violence, with varying needs in the borough. The contract(s) to be tendered will represent a significant portion of their business. However no particular business risks for the Council have been identified assuming there is continued funding from the Communities and Local Government.</p>	

(viii)	The Council's Best Value Duties	This procurement process and on-going contractual requirement will ensure that the Council's Best Value obligations are met. Tenders will be invited to submit specific proposals on ensuring what is the most economically advantageous tender on the basis of a 50% weighting for cost and 50% weighting for quality issues. There will an assessment of detailed evaluation criteria as stated in (vi).
(ix)	Any staffing implications, including TUPE and pensions	See sections 9 and 11
(x)	The relevant financial, legal and other considerations.	See sections 8, 9, 10 and 11 below

7.2 The Executive is asked to give its approval to the proposals as set out in the recommendations and in accordance with Standing Order 89.

8 Financial Implications

8.1 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £500k or works contracts exceeding £1million shall be referred to the Executive for approval to invite tenders and in respect of other matters identified in Standing Order 89.

8.2 As detailed at paragraph 4.1, SP has a total budget of 12.8 million and future contracts will be funded from this SP budget. The current combined annual value of the current domestic violence SP contracts (for floating support and accommodation in refuges) is £309K. It is envisaged that the number of support hours/capacity purchased may be increased. The future estimated value of the contract for the floating support service element is up to £141K per annum and up to £168 per annum for the refuge element. Currently SP commissions four contracts for the domestic violence services, inclusive of floating support and refuges. The expectation is that re-tendering the services as two contracts, one for the floating support element and one for the refuge element, will lead to an increased value for money and greater efficiency savings.

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8.3 There will be costs incurred in the contract process for professional advice, particularly legal. The cost of these contracts, including those for professional advice, will be funded from existing resources within the SP budget.

9. Legal Implications

9.1 The Council has the necessary powers (and in some cases, duties) to enter into the proposed contracts under (amongst other provisions) s26 of the National Assistance Act 1948, the Supporting People Grant Conditions, section 1 of the Local Government (Contracts) Act 1997 and s2 of the Local Government Act 2000, all in conjunction with s111 of the Local Government Act 1972.

9.2 The estimated values of the contract over its lifetime is in excess of £500K therefore the procurement and award of the contract are subject to the Council's Contract Standing Orders in respect of High Value contracts and Financial Regulations and, thus, Executive approval is required for the invitation to tender for the Contract. Standing Orders require a formal tender process to be followed, including advertisement and a restricted or two stage procurement process will be used.

9.3 The services to be provided under the contract are classified as Part B Services under the Public Contracts Regulations 2006 ("EU procurement Regulations") and are not therefore subject to the full application of the EU Procurement Regulations. They are however, subject to the overriding EU principles of equality of treatment, fairness and transparency in the award of the contracts. Non-discriminatory language must be used in the Specification, and a contract award notice will need to be sent to the Official Journal of the European Union.

9.4 Once the tendering process is undertaken Officers will report back to the Executive in accordance with Contract Standing Orders, explaining the process undertaken in tendering and recommending awards of contracts.

9.5 The Transfer of Employment (Protection of Employment) Regulations 2006, ("TUPE") operate so as to protect the continuity of service and the terms and conditions of employees where there is a "service provision change" as defined by TUPE.

9.6 TUPE will also operate to protect the continuity of service and the terms and conditions of employees where there is a transfer from one organisation to another of an economic entity which retains its identity and where the employees are assigned to the economic identity which has been transferred.

9.7 Subject to the right of the employee to object to transferring, in the case of a service provision change the employee's contract of employment will transfer to the organisation which has taken over the carrying out of the activities while in the case of the transfer of an economic entity the employee's contract of

employment will transfer to the organisation to which the economic entity was transferred.

- 9.8 A process of consultation and the communication of relevant information between the transferor and the transferee and the staff and their representatives is part of the transfer process that may have to take place.
- 9.9 In the present case, the existing SP contracts includes both floating support and services for people accommodated at refuges. If the contract for the floating support service for women escaping domestic violence is awarded to a new contractor, TUPE may 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 relating to floating support services for women escaping domestic violence taken over by the new contractor. This is because the activities taken over by the new contractor are not likely to fundamentally change and given the current contractors employ some staff that spend all or most of their working time carrying out activities relating to floating support for women escaping domestic violence under the current contract.
- 9.10 As detailed in paragraph 4.7, it will be necessary for the existing contracts for floating support and services for people accommodated at refuges to be extended to 31 March 2011. Given the duration of the existing contracts and the duration and nature of the proposed extensions, it is considered that Officers have delegated powers to agree such extension.

10 Diversity Implications

- 10.1 Contracts currently require providers of housing support services to deliver services which are
- culturally sensitive by providing cultural awareness training for all workers, matching specific language requirements where possible and recruiting a workforce which reflects the communities of Brent;
 - able to offer service users a female support worker if specifically requested
- 10.2 The new contract will continue to require the provider to deliver services in this way. In addition the new provider will be encouraged to set up partnering arrangements with local community groups and specialist providers to ensure that a diverse range of services can be provided to meet the specific ethnic and cultural needs of service users.

11 Staffing Implications

- 11.1 As detailed at paragraph 9.9 there are likely be TUPE implications arising from the award of the contract with TUPE applying to those staff providing a service that will be included in the tender process. Appropriate consultation with current employers will commence as soon as possible.

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12 Background Papers

Supporting People Grant Conditions (CLG)
Brent Five Year Supporting People Strategy 2005/10
Strategic Review of domestic violence Services May 2009
Executive Reports – 15 June 2009 & 14 December 2009

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