

	Cabinet 12 November 2024
	Report from the Corporate Director, Community Health and Wellbeing
	Lead Member Cabinet for Community Health and Wellbeing (Councillor Neil Nerva)
Authority to invite tenders for the provision of care and support at six supported living sites for adults with Learning Disabilities.	

Wards Affected:	All
Key or Non-Key Decision:	Key
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:	None
Background Paper:	None
Contact Officer(s): (Name, Title, Contact Details)	Jacqueline Casson, Interim Supplier Relationship Manager 020 8937 2024 Jacqueline.casson1@brent.gov.uk

1.0 Purpose of the Report

1.1 This report concerns the procurement of care and support for six supported living schemes. This report requests approval to invite tenders as required by Contract Standing Orders 88 and 89 for care and support at the following six Supported living sites:

- 5 bed learning disabilities supported living service at 57 Preston Road
- 5 bed learning disabilities supported living service at 36 Woodhill Crescent
- 3 bed learning disabilities supported living service at 54 Beechcroft Gardens
- 4 bed learning disabilities supported living service at 63 Manor Drive

- 6 bed learning disabilities supported living service at 115 Gladstone Park Gardens
- 5 bed learning disabilities supported living service at 18 Ruby Street

2.0 Recommendation(s)

That Cabinet:

- 2.1 Approve inviting tenders for care and support services at six supported living sites for adults with learning disabilities separated into 3 Lots on the basis of the pre - tender considerations set out in paragraph 3.3 of the report. The 3 Lots are set out below:
- Lot 1: Learning Disabilities Supported Living Service at Preston Road and Woodhill Crescent
 - Lot 2: Learning Disabilities Supported Living Service at Beechcroft Gardens and Manor Drive
 - Lot 3: Learning Disabilities Supported Living Service at Gladstone Park Gardens and Ruby Street
- 2.2 Approve Officers evaluating the tenders referred to in 2.1 above on the basis of the evaluation criteria set out in paragraph 3.3 section (vi) of the report.
- 2.3 Delegate authority to the Corporate Director for Community Health and Wellbeing, in consultation with the Lead Member for Community Health and Wellbeing to award the contract for the 3 Lots identified in 2.1 above for care and support services at six supported living sites for adults with learning disabilities for a term of 3 years with the option to extend by yearly periods up to a maximum of 2 years (3+1+1).

3.0 Detail

3.1 Cabinet Member Foreword

- 3.1.1 This tender which is for care and support services at the six supported living sites as outlined above is strategically positioned to significantly contribute to Brent Council's Borough Plan 2023-2027 Strategic Priority 5, by achieving desired outcome 1 Tackling Health Inequalities and desired outcome 2 Localised Services for Local Needs
- 3.1.2 The six sites are dedicated to serving vulnerable adults with a learning disability, and or those diagnosed as being on the autistic spectrum disorder. This will include some tenants who present with behaviour that may challenge. The services were designed to provide supported living accommodation which enable service users to live more independently, promote their wellbeing and reduce the potential of having to move to more restrictive forms of care, such as residential care services.

3.1.3 By providing an inclusive and accessible environment, the services actively work towards reducing health inequalities and strengthening community ties through supporting people closer to home, engagement initiatives and robust partnerships with local organisations. Furthermore, the settings not only support employment in the local community through job creation and specialised training but also enhances the resilience of these communities by fostering supportive networks. This tender will ensure the continued alignment with and contribution to the Council's aspirations, promoting a healthier, more equitable, and unified community.

3.2 Background

3.2.1 The Council requires the provision of care and support at six supported living sites for adults with learning disabilities. All six sites have contracts that are due to expire on 31st March 2025. Officers have considered whether the care and support at the six supported living sites can be provided by the Council itself but have concluded that care and support services at these sites is best provided by a contractor. The appointed contractor will have the staff and experience in providing care and support services to this cohort of service users and the tender process will provide value for money.

3.2.2 There are six supported living services, which ASC are seeking approval to be tendered in 3 separate Lots and in accordance with Contract Standing Orders 88 & 89. All six sites are existing services with existing service users living at the properties.

3.2.3 Combining some of these services and procuring them under the same Lot offers the Council economies of scale, while at the same time, attracting a good mix of providers. The opportunities have been developed on the basis of geographical proximity and number of units.

3.2.4 It is proposed that in line with the current contracts these new contracts will be based on a core and flexi model with only the core element being commissioned through this procurement. The core service is designed to meet daily living needs, unplanned and emergency care needs and night support to provide 24-hour support in line with the supported living model of care for individuals with a range of needs. Each service will have care staff on site for 24 hours a day.

3.2.5 The flexi hours are based on service users' assessed needs, with their care and support plan outlining support to ensure their outcomes are met. The additional support is likely to be provided by the provider who delivers the core support within the contract, but the service user can exercise personal choice and choose another provider via a Direct Payment. The distinction between core and assessed hours will be made explicitly clear in the tender documents.

3.2.6 The services deliver support in line with the 'active' model of care, working on a planned basis in delivering proactive support to service users to develop daily living skills within the home and community. This support includes cooking,

cleaning, self-care, community access and participation as well as support to manage their finances. The services were designed to work with service users to develop new skills.

3.2.7 The duration of the contracts for the 3 Lots will be for a period of three years with the option to extend for a further two years on a one plus one basis (3+1+1) subject to satisfactory performance of the successful providers. The length of this contract will be attractive to the market, whilst at the same time maintaining a degree of flexibility for the Council. The total contract value for all services for the initial contract term of three years and two 1-year options to extend (5 years) is estimated to be £8,802,380. Individual contract values are listed under paragraph 3.3 section (ii) and under Financial Considerations in section 5. Officers anticipate that assuming a successful procurement the contracts and service commencement for the 3 Lots will be 1st April 2025.

3.2.8 Co-production is at the heart of the Brent approach. Stakeholder engagement commenced in October 2023 when officers visited all six services to seek the views of service users and their family members. Representatives from our health and social care partners were also consulted. The output of these discussions has influenced the service delivery model and service specification. Feedback from service users about what was important to them included the following:

- Activities –having varied interesting activities including being involved in the local community
- Staff being flexible to enable service users to undertake their preferred activities
- Respect for their views and choices
- Having a named keyworker – being able to build a good rapport
- Staff assisting them with finances, benefits, form filling, going with them to the bank etc.
- Making their own choices

3.2.9 In addition to the benefits that this model gives to service users, the schemes generate efficiency savings to ASC through the provision of care and support as an alternative to residential placements where tenants are unable to claim Housing Benefit to pay for accommodation costs which are otherwise funded by Adult Social Care budgets. Within the supported living scheme, the Council fund care and support while service users are supported to claim Housing Benefit to pay accommodation costs.

3.2.10 If consent is given to proceed to tender, a market engagement session will be held to encourage and alert the market to the proposed tender and commissioners will intensively manage the contract award and mobilisation process in partnership with council stakeholders and the awarded providers.

3.2.11 The council is tendering six services in three lots, with two services in each lot. In order to ensure diversity in the care market, the Council is looking to appoint three providers, one for each lot. If fewer than three providers submit bids of sufficient quality, the council will reserve the right to award more than one contract to an individual provider.

The individual procurement opportunities

1. Lot Preston Road and Woodhill Crescent

3.2.12 Preston Road and Woodhill Crescent will be tendered as one Lot with one provider delivering care at both services.

3.2.13 Both properties are owned and managed by Brent Council. Both sites provide care and accommodation for vulnerable adults with a learning disability, and/or those diagnosed as being on the autistic spectrum disorder. This will include some tenants who present with behaviour that may challenge.

3.2.14 The existing contracts with Metropolitan Housing t/a Metropolitan Thames Valley Housing is due to expire on 31st March 2025.

3.2.15 Woodhill Crescent currently has five service users and Preston Road four service users.

3.2.16 Preston Road and Woodhill Crescent were both originally six bed properties. However, in April 2022 it was agreed to reduce capacity at Woodhill Crescent to five due to the unsuitability of the 6th bedroom for someone with learning disabilities and the size and layout of the property.

3.2.17 Preston Road's sixth bedroom has remained void during the lifespan of the current contract. It is now proposed to reduce the capacity at Preston Road to 5 due to the unsuitability of the sixth bedroom and the overall size and layout of the property.

3.2.18 Preston Road and Woodhill Crescent will each require 266 core hours per week totalling 532 hours across both sites. This will mean that there are two staff providing support during the day and a waking night member of staff for each service ensuring 24-hour continuous care.

2. Lot Beechcroft Gardens and Manor Drive

3.2.19 Beechcroft Gardens and Manor Drive will be tendered as one Lot with one provider delivering both services. These sites are within a short walk for each other.

3.2.20 Both properties are owned and managed by Brent Council. Both sites provide care and accommodation for vulnerable adults with a learning disability, and or those diagnosed as being on the autistic spectrum disorder. This will include some tenants who present with behaviour that may challenge.

3.2.21 The existing contracts with Dimensions (UK) are due to expire on 31st March 2025. The existing contract currently allows for a sleeping night at the service. Brent's other block contract provision for similar service users includes a waking night. To bring the services in line with national best practice and our other supported living block provision, a waking night has been added into the cost modelling.

3.2.22 Manor Drive can accommodate four service users and currently has four services users. Beechcroft Gardens can accommodate three service users and currently has three service users.

3.2.23 To meet care and support needs of the residents Beechcroft Gardens and Manor Drive will jointly require 434 core hours per week. This will mean that there are staff providing support during the day and a waking night member of staff ensuring 24-hour continuous care.

3. Lot Gladstone Park Gardens and Ruby Street

3.2.24 Gladstone Park Gardens and Ruby Street will be tendered as one lot with one provider delivering both services.

3.2.25 Both properties are owned and managed by Brent Council. Both sites provide care and accommodation for vulnerable adults with a learning disability, and or those diagnosed as being on the autistic spectrum disorder. This will include some tenants who present with behaviour that may challenge.

3.2.26 The existing contracts with Dimensions (UK) is due to expire on 31st March 2025.

3.2.27 Gladstone Gardens can accommodate six service users and Ruby Street can accommodate five service users. Both services are currently fully occupied.

3.2.28 To meet care and support needs of the residents, Gladstone Park Gardens and Ruby Street will each require 266 core hours per week, totally 532 across both sites. This will mean that there are 2 staff providing support during the day and a waking night member of staff ensuring 24-hour continuous care.

3.3 Pre-tender Considerations

3.3.1 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations for the procurement of the contracts for the 3 Lots outlined above (the "Contracts") have been set out below for the approval of the Cabinet.

Ref.	Requirement	Response	
(i)	The nature of the services / supplies / works.	Delivery of care and support services at six supported living sites which have been separated into 3 Lots with 2 sites in each Lot as outlined in paragraph 2.1. The services are for vulnerable adults with a learning disability, and or those diagnosed as being on the autistic spectrum disorder. This will include some tenants who present with behaviour that may challenge	
(ii)	The estimated value.	<p><u>Lot 1 Preston Road and Woodhill Crescent</u></p> <p>Up to £627,930 ex VAT annually Up to £3,139,650 ex VAT over the full contract period including extensions (3+1+1)</p> <p><u>Lot 2 Beechcroft Gardens and Manor Drive</u></p> <p>Up to £495,847 ex VAT annually Up to £2,479,235 ex VAT over the full contract period including extensions (3+1+1)</p> <p><u>Lot 3 Gladstone Park Gardens and Ruby Street</u></p> <p>Up to £636,699 ex VAT annually Up to £3,183,495 ex VAT over the full contract period including extensions (3+1+1)</p>	
(iii)	The contract term.	Three years with the option to extend for a further two, one-year extensions (3+1+1)	
(iv)	The tender procedure to be adopted.	A variation of the Open process under the Light Touch Regime	
v)	The procurement timetable.		Indicative dates are:
		Adverts placed	21 November 2024
		Publish Contract Notice on Find a Tender service and Contracts Finder	21 November 2024

Ref.	Requirement	Response	
		Publish Invitation to tender	21 November 2024
		Deadline for tender submissions	22 December 2024
		Panel evaluation and shortlist	06 January - 24 January 2025
		Report recommending Contract award circulated internally for comment	By w/c 31 January 2025
		Corporate Director approval	w/c 06 February 2025
		Minimum 10 calendar day standstill period – notification issued to all tenderers and additional debriefing of unsuccessful tenderers	07 February - 17 February 2025
		Contract Mobilisation	18 February – 31 March 2025
		Contract start date	1 April 2025
(vi)	The evaluation criteria and process.	<ul style="list-style-type: none"> At selection stage shortlists are to be drawn up in accordance with the Council's Contract 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. At tender evaluation stage, the panel will evaluate the tenders against the following criteria: 50% quality, 10% Social Value and 40% price 	
(vii)	Any business risks associated with entering the Contract.	The following business risks are considered to be associated with entering into the Contract. Some risks may include failure to select a suitable provider to provide one or more of the Lots. Mitigations are	

Ref.	Requirement	Response
		<ul style="list-style-type: none"> • selection criteria case studies will be used as part of the evaluation to assess previous experience and how providers plan to achieve and sustain objectives. • The tender evaluation criteria for the award section will ensure that all tenderers have experience and skills available to deliver the services specified. <p>Financial Services and Legal Services have been consulted concerning this Contract.</p>
(viii)	The Council's Best Value duties.	The Council will be awarding the Contracts for each Lot to providers that have the Most Economically Advantageous Tender (MEAT)
(ix)	Consideration of Public Services (Social Value) Act 2012	<p>It is the intention within this tender that 10% of the total evaluation criteria will be reserved for social value considerations.</p> <p>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.</p>
(x)	Any staffing implications, including TUPE and pensions.	There will be TUPE implications for the awarded providers which have been taken into consideration within the time scales. See Section 9 below.
(xi)	The relevant financial, legal and other considerations.	See sections 5 and 6 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)	Key Performance Indicators / Outcomes	Appropriate Key Performance Indicators / Outcomes will be included in the Contract.
(xiv)	London Living Wage	The Contract will require the payment of the London Living Wage.
(xv)	Contract Management	A contract manager will be appointed for the Contracts and appropriate contract management provisions will be included in the Contracts.

3.3.2 Cabinet is asked to give its approval to these proposals as set out in the recommendations and in accordance with Standing Order 89.

4.0 Stakeholder and ward member consultation and engagement

4.1 Co-production is at the heart of the Brent approach. Officers visited the six service sites, met with all the service users and with some family members. The feedback received has been taken into account in the development of the specification and delivery model proposed. Please see paragraph 3.2.8 for a summary of the feedback the consultation and engagement activity.

5.0 Financial Considerations

5.1 The value of the Contracts for the term of five years (3+1+1) is estimated to be up to £8.80m, which amounts to £1.76m annually. This has been calculated based on the number of hours required within each lot and these are listed in Section 3.2 above. Each resident will have an equal share of core hours which includes a waking night. Assessed hours as required by individual support plans will be purchased based on the hourly rate that is agreed as part of the new contract.

5.2 Brent is committed to ensuring all contractors pay LLW as a minimum. These contracts will be London Living Wage compliant. The annual cost of these contracts is likely to increase each year when the London Living Wage (LLW) commission announce the annual uplift. The likely increase to contract values each year to ensure Brent's commitments to LLW are adhered to. This is taken into consideration as part of the Council's Medium Term Financial Planning.

6.0 Legal Considerations

6.1 The services that Officers are proposing to procure fall under Schedule 3 of the Public Contracts Regulations 2015 ("PCR 2015"). The estimated value of the proposed Contracts for Lot 1, 2 and 3 are above the threshold for Schedule 3 Services under the ("PCR 2015") and the procurement is therefore governed by the Light Touch Regime under the PCR 2015.

6.2 In accordance with the Council's Contract Standing Orders, the Contracts are defined as a High Value Contracts pursuant to Contract Standing Order 82 and shall be entered into and procured pursuant to Contract Standing Order 84. As such the Contract shall be procured in accordance with the tendering procedures set out in Contract Standing Order 95(c).

6.3 The procurement is subject to the Council's own Standing Orders and Financial Regulations in respect of High Value Contracts given procurement is valued at £8,802,380.00 + VAT. For High Value Contracts, Cabinet must approve the pre-tender considerations set out in paragraph 3.3 above (Contract Standing Order 89) and the inviting of tenders (Contract Standing Order 88).

6.4 In accordance with Recommendation 2.3, once the tendering process is undertaken, Officers will report to the Corporate Director, Community Health

and Wellbeing, in consultation with the Lead Member for Community Health and Wellbeing explaining the process undertaken in tendering the Contract and recommending award.

- 6.5 The Council will observe a voluntary 10 calendar day standstill period before the Contracts can be awarded. This will 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 will issue a letter of acceptance to the successful tenderers and the Contracts may commence.
- 6.6 As the decision that is being sought here is a Key Decision, the decision is subject to a 5 clear day call-in period and the Council will undertake standstill period concurrently. The decision to award the Contracts may not be implemented until after expiry of the call-in period provided that no call in has been made.
- 6.7 As the decision that is being sought here is a Key Decision, the decision may not be taken by Cabinet unless this matter has been published on the Forward Plan. The Key Decision must be published on the Forward Plan (Paragraph 30 of the Access to Information Rules) and must be included on the Forward Plan not less than 28 days before the decision is to be made. (Paragraph 34 of the Access to Information Rules). Cabinet decisions are to be recorded and published along with the report.
- 6.8 Officers have set out in section 9.1 that the proposed services will be provided by external contractors. As such, the proposed procurement process is unlikely to have a direct impact on Council staff. There are likely to be TUPE implications as a result of the procurement process due to a continuation of services from the current contracts and the new Contracts being procured. In this respect, Officers have set out in section 9.2 how it would manage any TUPE issues that might arise as a result of the procurement process.

7.0 Equity, Diversity & Inclusion (EDI) Considerations

- 7.1 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,

- 7.2 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.
- 7.3 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.
- 7.4 The very nature of supported living services for adults with learning disabilities means that they are accessed by vulnerable adults who are also more likely experience multiple disadvantage due to their age, and health conditions. Equalities issues have been taken into account throughout the review of the services and have been a key focus in the service model and service specification.
- 7.5 An Equalities Analysis has been completed. Where negative impacts have been identified these have been addressed within the service model and specification. Where positive impacts of the proposed model have been identified they have been enhanced where possible. This has been achieved by ensuring that all the current service users and their families at these sites have had the chance to participate in consultation and engagement activities and their view have been reflected in the specification.
- 7.6 The proposed service model will not remove services, but it will enhance the way services are delivered and will place greater emphasis on a personalised outcomes based approach.
- 7.7 The new service model is expected to deliver improved quality of service provision, improved service user experience, and establish more productive working relationships with providers. Impacts will be monitored throughout the implementation period and beyond via ongoing service user and provider engagement and the Quality Assurance Framework, the Outcomes Framework and Performance Management Framework that are included in the service specification and associated schedules.

8.0 Climate Change and Environmental Considerations

- 8.1 All six supported living settings, managed by Brent Council and overseen through Brent Housing Management and the NAIL programme, exemplifies modern environmental standards aimed at enhancing sustainability and efficiency.

- 8.2 Constructed within the last decade, this facility incorporates energy-efficient designs including advanced insulation and efficient systems and uses sustainable materials that enhance indoor air quality. It also features water-saving fixtures and rainwater harvesting, utilises renewable energy sources to reduce carbon emissions, and includes green spaces to promote biodiversity.
- 8.3 Additionally, pollution control measures were implemented during construction and ongoing operations. These initiatives reflect the Council's commitment to sustainable and responsible building practices in creating supportive living environments. It is for this reason that we can demonstrate that the setting meets and continues to meet the Council's environmental and climate control objectives.

9.0 Human Resources/Property Implications (if appropriate)

- 9.1 These services will be provided by an external provider and there are no direct staffing implications for the Council arising from the tender process. The Council own and manage the buildings and schemes through the Brent Housing Management Service.
- 9.2 As part of the procurement process, employee liability information will be sought from current contractors and provided to the tenderers. The TUPE process and any issues that may arise from it will be managed during the mobilisation phase.

10.0 Communication Considerations

- 10.1 To enhance the existing communication plan, given our familiarity with the resident population, a tailored communication plan will be put in place with service users and their families.

Report sign off:

Rachel Crossley
Corporate Director, Community
Health and Wellbeing.