

	<b>Decision of Cabinet Member for Community Health and Wellbeing</b>
	<b>Report from the Corporate Director, Community Health and Wellbeing</b>
<b>AUTHORITY TO AWARD A CARE AND SUPPORT CONTRACT AT CLEMENT CLOSE FOR SUPPORTED LIVING SERVICES IN ACCORDANCE WITH PARAGRAPH 13 OF PART 3 OF THE CONSTITUTION</b>	

<b>Wards Affected:</b>	Brondesbury Park
<b>Key or Non-Key Decision:</b>	Key Decision
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Part Exempt – Appendices 1 and 3 are exempt as they contain the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: “Information relating to the financial or business affairs of any particular person (including the authority holding that information)”
<b>No. of Appendices:</b>	3 Appendix 1 – List of Tenderers Appendix 2 – Evaluation Grid Appendix 3 – Social Value Commitments
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Name: Mark Mulvenna Job Title: Market Oversight Manager Email: Mark.mulvenna1@brent.gov.uk

## 1.0 Executive Summary

- 1.1 This report concerns the authority to award a Care and Support Contract at Clement Close for Supported Living Services. This report requests authority to award contracts as required by Contract Standing Order 88. This report summarises the process undertaken in procuring a contract and, following the completion of the evaluation of the bids, recommends to whom the contract should be awarded.

## 2.0 Recommendation(s)

That the Cabinet Member for Community Health and Wellbeing, having consulted with the Leader in accordance with paragraph 13 of Part 3 of the Constitution:

- 2.1 Approves the award of a Care and Support Contract at Clement Close for Supported Living Services for both Core Hours and Assessed Hours to Westminster Homecare Limited for a period of three (3) years in the sum of £2,746,735, with an option to extend for yearly periods at the annual sum of £915,578 up to a maximum of two (2) further years giving a total contract value of up to £4,577,892.00 for a possible 5 year contract.

### **3.0 Detail**

#### **Contribution to Borough Plan Priorities & Strategic Context**

- 3.1.1 The care and support contract for supported living services at Clement Close is strategically positioned to contribute to Brent Council's Borough Plan 2023-2027, with particular relevance to A Healthier Brent and the desired outcomes within that priority, including:

- We will work with residents, as partners in their own care and support, to live independent, safe, happy and fulfilling lives
- Continuing to support people to be cared for closer to home, by developing health and social care community services to help people, including those with complex needs, to live at home independently

- 3.1.2 The service delivers support in line with the 'active' model of care, working on a planned basis in delivering proactive support to residents 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 service was designed to be innovative when working with residents to develop new skills.

### **3.2 Background**

- 3.2.1 Clement Close is a purposed built building for supported living service for adults with sensory loss and learning disabilities and/or a physical disability. Brent Council are the owners of the building and the building is managed by the Brent Housing Management team, with care commissioned by Adult Social Care. Clement Close is currently home to 11 residents. The current contract in place at Clement Close for supported living services expires on 20<sup>th</sup> December 2024, and the Council requires continuation of the care and support services to the existing 11 service users residing at Clement Close including those with extra assessed needs above and beyond what is covered by the core hours in the contract.

- 3.2.2 Council officers have undertaken a procurement exercise and identified a contractor providing the most economically advantageous offer in accordance with relevant evaluation criteria and therefore recommend award of a care and support contract at Clement Close for supported living services.(the "Contract").

- 3.2.3 This new Contract will deliver care and support for up to 12 service users at Clement Close including those with extra assessed needs above and beyond what is covered by the core hours. The service is predominantly for adults with sensory loss, and a learning and/or physical disability. The the service is currently full with 12 services users.
- 3.2.4 The Contract is based on a core and flexi model enabling each service user to have an equal share of the core hours including the waking night support. The flexi hours are based on residents’ assessed needs, with their care and support plan outlining support to ensure their outcomes are met. Assessed hours and those for additional needs are subject to an assessment by a Social Worker to meet the service users’ individual needs.
- 3.2.5 The core service at Clement Close will be 376 hours per week based on 31.33 hours per week, per person. The breakdown of support staff to meet these needs will require 2.5 staff during the day and 1 waking night staff to provide support for 24 hours a day, 7 days per week to support up to 12 residents.
- 3.2.6 Eligibility includes those adults with an identified housing need who also have needs such as a sensory loss, a learning disability, with additional communication needs and potentially other needs including mental ill health, and physical disabilities.

### **The Procurement Process**

- 3.3 The Contract will be let using the Council’s contract terms and conditions for a period of three (3) years with an with an option to extend for yearly periods up to a maximum of two (2) years (on a 3+1+1 basis).
- 3.4 The required service was categorised as Schedule 3 Services under the Public Contracts Regulations 2015 and the value of the Contract exceeds the Light Touch Regime threshold of £663,540. The Council advertised the opportunity on the Find a Tender service, the London Tenders Portal and Contracts Finder on 8 July 2024. Bidders were provided with a specification and details of the tender approach and were invited to complete a selection questionnaire, quality, social value and pricing proposals using the Council’s Electronic Tendering Facility.
- 3.5 The tendering instructions stated that the Contract would be awarded on the basis of the most economically advantageous offer to the Council and that in evaluating tenders, the Council would have regard to the following:

<b>Criteria</b>	<b>Weighting</b>
Safeguarding	10%
Support and Care planning in delivering outcomes	15%

Risk Assessment and Risk Management. Working effectively with residents to achieve outcomes	10%
Workforce management and development	5%
Effective and isation	10%
Social Value	10%
Price	40%
<b>Total</b>	<b>100%</b>

### **Evaluation process**

- 3.6 All tenders had to be submitted electronically no later than 8 August 2024. Twenty nine valid tenders were received. The top seven ranking bidders were shortlisted on the basis of technical ability, financial resources, business eligibility and relevant experience to be taken forward to have their tender evaluated on the above award criteria.
- 3.7 The tender evaluation was carried out by a panel of Council Officers from Community Health and Wellbeing.
- 3.8 The panel met between 08/10/2024 - 15/10/2024 and each submission was marked by the whole panel against the award criteria.
- 3.9 The names of the tenderers are contained in Appendix 1. The scores for the top seven ranking tenderers are included in Appendix 2. It will be noted that Contractor 29 was the highest scoring tenderer. Officers therefore recommend the award of the Contract to Contractor 29, namely Westminster Homecare Limited. As part of its bid, Westminster Homecare Limited submitted social value proposals as set out in Appendix 3.
- 3.10 The Contract has a proposed commencement date of 21/12/2024 subject to the Council's observation of the requirements of the mandatory standstill period noted in paragraph 6.3 below and the implementation of the new contract will be managed in line with the successful bidders mobilisation plan submitted as part of this tender.

### **4.0 Stakeholder and ward member consultation and engagement**

- 4.1 The Cabinet Member for Community Health and Wellbeing has been consulted and consultation took place with the incumbent provider and service users prior to the published tender.

### **5.0 Financial Considerations**

- 5.1 Paragraph 13 of Part 3 of the Council's Constitution states that the Cabinet Member of Community Health & Wellbeing has delegated authority to approve the award of contracts for services valued at more than £2 million but does not

exceed £5 million.

- 5.2 The estimated value of the Contract is £4.578m for the term of five years (3+1+1), which amounts to £0.916m annually. This has been calculated based on the number of core and assessed hours required for provision of care within this home. Core hours for this Contract are 378 hours per week at an hourly rate of £22.00. Assessed hours at the time of the tender being published are 431.50 hours per week and an hourly rate of £21.50. Any hours required in excess of this will be purchased at the rate paid for assessed hours following a statutory care act assessment by the Council.
- 5.3 The annual cost of this Contract is likely to increase each year when the London Living Wage (LLW) commission announce the annual uplift. Brent is committed to ensuring all contractors pay LLW as a minimum. The likely increase to the Contract value each year to ensure Brent's commitments are adhered to is taken into consideration as part of the Council's Medium Term Financial Planning.
- 5.4 The new Contract is an extension of an existing service, and the cost of the new Contract will be contained within the existing budget provision within Strategic Commissioning and Capacity Building.

## **6.0 Legal Considerations**

- 6.1 The estimated value of the Contract over its lifetime is in excess of the Public Contracts Regulations 2015 (the "PCR 2015") threshold for Schedule 3 Services and the award of the Contract is therefore governed by the Light Touch Regime under the PCR 2015. Section 3 of the report outlines how the Contract was procured in accordance with the PCR 2015.
- 6.2 The award of the Contract is subject to the Council's own Standing Orders in respect of High Value Contracts. The Cabinet Member for Community Health and Wellbeing has delegated powers in consultation with the Leader to award High Value Contracts in accordance with paragraph 13 of Part 3 of the Constitution.
- 6.3 The Council will observe a voluntary 10 calendar day standstill period under the PCR 2015 before the Contract can be awarded. Therefore once the Cabinet Member for Community Health and Wellbeing has determined which tenderer should be awarded the Contract, all tenderers will be issued with written notification of the Contract award decision. A minimum 10 calendar day standstill period will then be observed before the Contract is concluded – this period will begin the day after all Tenderers are sent notification of the award decision – and additional debrief information will be provided to unsuccessful tenderers in accordance with the PCR 2015. The standstill period will run concurrently with the Council's usual call-in process. Subject to there being no call-in, after the standstill period ends, the successful tenderer will be issued with a letter of acceptance and the Contract can commence.

- 6.4 As the decision that is being sought here is a Key Decision, the decision may not be taken by the Cabinet Member 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). The decision to award has been on the Forward Plan for the requisite 28 days. Cabinet Member decisions are to be recorded and published along with the report.
- 6.5 The recommended award will involve the transfer of staff from the incumbent provider to the new provider pursuant to the Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE”). Further details concerning this TUPE transfer are contained in Section 9. The TUPE process and any issues that may arise from it will be managed during the mobilisation phase.
- 6.6 The property used for this supported living service is owned by Brent Council. The successful bidder will be granted a Lease of part only of the property outside Part II of Landlord and Tenant Act 1954 in respect of certain parts of the property with additional rights to use some common parts of the property. The successful bidder shall use the property only for office use and for delivering agreed services under the Contract. This Lease will form part of the Contract and will be for the same term as the Contract.

## **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 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.

7.5 The proposals in this report have been subject to screening and officers believe that there are no adverse equality implications. This authority to award seeks to confirm a provider for supported living which will help vulnerable residents with sensory loss and a learning disability and/or a physical disability, providing support in line with the 'active' model of care. The provision of services will have a positive impact on these service users, and is in line Strategic Priority 5 of Brent Council's Borough Plan, which states our commitment to working with residents as partners in their own care to live independent, safe, happy, and fulfilling lives.

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

## **8.0 Climate Change and Environmental Considerations**

8.1 Given the nature of the services to be delivered, Officers do not envisage that there will be any direct Climate Change and Environmental Considerations

## **9.0 Human Resources/Property Considerations (if appropriate)**

9.1 This service is currently provided by an external contractor and there are no direct staffing implications for Council staff arising from retendering the Contract. However, there will be TUPE implications with staff from the incumbent provider liable to transfer pursuant to TUPE to the new provider. As part of the procurement process all employee liability information was shared with bidders.

9.2 The Council will grant a Lease of part only of the property outside Part II of Landlord and Tenant Act 1954 in respect of certain parts of the property with additional rights to use some common parts of the property. For further details please refer to paragraph 6.6.

## **10.0 Communication Considerations**

10.1 A robust communication plan will be put in place with the incumbent provider and new provider in order to relay the decision and any material changes to the service to the service users and their families/advocates.

### **Related documents:**

Cabinet Member Authority to Tender Contract for the provision of a Supported Living service at Clement Close on the 25<sup>th</sup> June 2024

**Report sign off:**

***Rachel Crossley***

Corporate Director, Community Health and Wellbeing