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|  | Officer Key Decision |
| | Report to the Corporate Director Community Health and Wellbeing |
| | Lead Member – Cabinet Member for Community Health and Wellbeing (Councillor Neil Nerva) |
| Authority to award contract from a Framework for the provision of a Social Care Case Management System & Cloud Hosting & Services | |

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| Wards Affected: | All |
| Key or Non-Key Decision: | Key Decision |
| Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small> | Open |
| No. of Appendices: | Two Appendix 1: Framework Suppliers Appendix 2: Equality Impact Assessment |
| Background Papers: | N/A |
| Contact Officer(s): <small>(Name, Title, Contact Details)</small> | Name: Andrew Davies Job Title: Head of Commissioning Contracting and Market Management Email: andrew.davies@brent.gov.uk Name: Emma Sharpe Job Title: Digital Programme Manager Email: emma.sharpe@brent.gov.uk |

1.0 Executive Summary

1.1 This report concerns the procurement of a contract for the provision of a social care case management software to be used by the Council’s social care 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 recommends to whom the contract should be awarded.

2.0 Recommendations

That the Corporate Director of Community Health and Wellbeing in consultation with the Lead Member for Community Health and Wellbeing:

- 2.1 Approves the pre-tender considerations set out in paragraph 3.8.
- 2.2 Approves the award of the contract for the provision of a social care case management and cloud hosting & services to Access UK Limited for three (3) years with a possible one (1) year extension in the sum of £1,587,889 (inclusive of VAT).

3.0 Detail

Contribution to Borough Plan Priorities & Strategic Context

- 3.1 The award of this Contract is in line with the Council's Borough Plan 2023 – 27 Priorities and Strategic context. In particular, the award of this Contract will contribute to:
 - Borough Plan Priority Three: Thriving Communities (contributing to the desired outcome of enabling our communities by supporting residents to live independent, healthy lives)
 - Borough Plan Priority Five: A Healthier Brent (contributing to the desired outcome of localised services for local needs by providing residents with tailored support to meet their bespoke social care needs).

The award of this Contract also contributes to the Council's Digital Strategy 2022 – 26. Specifically, the award of the Contract supports the Digital Workplace Theme of the Digital Strategy - Ensuring staff have access to technology that will enable them to work efficiently and to have the digital skills to effectively use existing and new technology.

<https://www.brent.gov.uk/the-council-and-democracy/strategies-priorities-and-policies>

Background

- 3.2 The Council requires the provision of a Social Care Case Management System and Cloud Hosting & Services. Officers have considered whether the service can be provided by the Council itself but have concluded that the case management system is best provided by a contractor. Officers have reviewed a range of procurement options and have determined that the use of a framework is the most appropriate and cost effective means of procuring a contractor.
- 3.3 Officers have undertaken a procurement exercise by calling off from the Crown Commercial Services G Cloud 14 RM1557.14 Lots 1-3 (the "Framework"). Officers have identified a contractor providing the most economically advantageous offer in accordance with relevant criteria set out in the Framework and therefore recommend award of a contract for the provision of a

Social Care Case Management System and Cloud Hosting & Services (the “Contract”).

The Procurement Process

- 3.4 The Contract will be called off from the Framework, using the form of award and standard call off terms and conditions prescribed under the Framework with minor amendments including the addition of Social Value applicable to and in line with Brent’s Social Value Policy.
- 3.5 The Framework permits award by way of a further competition and by way of direct award and sets out rules for the identification of the most economically advantageous contractor under both procedures. Officers consider that identification of the most economically advantageous contractor using the Framework’s direct award procedure is most appropriate for the procurement of the Contract for the following reasons:
- 3.5.1 In planning ahead for the Contract re-procurement, the Council’s social service areas undertook a thorough process of soft market testing. The purpose of the exercise was to verify the Council’s requirements against market availability and ensure the Council is obtaining best value for money from its case management system provider. The Council received three responses to its soft market test including a response from Access UK Limited. All three companies took the opportunity of providing the Council with a demonstration of their product which took place in September 2024.
- 3.5.2 Following the demonstrations, an evaluation session took place with social workers and senior managers. Service areas agreed that neither two companies demonstrated innovative functionality with their product that the incumbent provider Access UK Limited was unable to demonstrate.
- 3.5.3 Additionally, service areas considered the costs that would be incurred in order to transition to a different case management system. In staying with the incumbent supplier, the migration to Cloud servers can be expected to complete within a six-month timeframe with the support of an additional four individuals. Comparatively, migration to Cloud servers on a different supplier’s system would require a transition period of approximately two years and require significant additional resource (other local authority examples brought in an additional 14 members of staff to support the transition to a different supplier’s system).
- 3.5.4 In summary, the soft market test demonstrated that there are no other suppliers offering a significantly enhanced user experience that would justify the cost of transitioning to another platform and the retraining of officers on a new case management system. Therefore, there is a clear

financial imperative to remain with the current application which meets all the core requirements of a case management system.

- 3.6 In compliance with the Framework guidance, Officers have reviewed the framework information for all contractors on Lots 1-3 of the Framework as set out at Appendix 1. Officers have identified Access UK Limited as the most economically advantageous contractor. The Contract will be for three years with a possible extension of one year in the sum of £1,587,889.00 (inclusive of VAT).
- 3.7 The Contract will commence on 1 June 2025 subject to call-in provided for in the Council's Constitution.

Pre-tender Considerations

- 3.8 The pre-tender considerations relevant to the Contract are as follows:

| Ref. | Requirement | Response | |
|-------|--|---|-------------------------------|
| (i) | The nature of the services / supplies / works. | As detailed above | |
| (ii) | The value. | £1,587,889.00 (inclusive of VAT) (£396,972 annually, inclusive of VAT) | |
| (iii) | The contract term. | Three (3) years with an option to extend for one(1) year. | |
| (iv) | The tender procedure to be adopted. | Direct Award from a Framework | |
| (v) | The procurement timetable. | Stage in Procurement | Indicative dates |
| | | Shortlisting Suppliers via G Cloud 14 | November 2024 |
| | | Checking Call Off Forms | 2 December – 11 December 2024 |
| | | Contract start date | 1 June 2025 |
| (vi) | The evaluation criteria and process. | N/A – Direct Award | |
| (vii) | Any business risks associated | No specific business risks are considered to be associated with entering into the Contract. | |

| Ref. | Requirement | Response |
|--------|--|---|
| | with entering the contract. | |
| (viii) | The Council's Best Value duties. | For the reasons set out in Section 3, it is considered that Direct Award will result in the Council achieving best value. |
| (ix) | Consideration of Public Services (Social Value) Act 2012 | Officers have had regard to the Public Services (Social Value) Act 2012. |
| (x) | Any staffing implications, including TUPE and pensions. | There are no implications for Council staff arising from the procurement. |
| (xi) | The relevant financial, legal and other considerations. | Financial – See Financial Considerations at Section 5. |
| | | Legal – See Legal Consideration at Section 6. |
| | | Other – N/A |
| (xii) | Sustainability | Given the nature and value of the Contract, it is not possible to include specific sustainability requirements. |
| (xiii) | Key Performance Indicators / Outcomes | Appropriate Key Performance Indicators / Outcomes will be included in the Contract. |
| (xiv) | London Living Wage | Given the nature of the Contract it is not appropriate to include provision requiring payment of the London Living Wage. |
| (xv) | Contract Management | A contract manager will be appointed and appropriate contract management provisions will be included in the Contract. |

4.0 Stakeholder and ward member consultation and engagement

4.1 An initial workshop with stakeholders from Adult Social Care, Children and Young Peoples' Services and IT Services was held on 17 July 2024 in order to scope requirements for a case management system. Feedback was collated and shared with all service areas involved.

- 4.2 Key Stakeholders from Adult Social Care, Children and Young Peoples' Services and IT Services were involved throughout the soft market test exercise, directly informing the questions posed to the market. A total of three market responses were received and reviewed.
- 4.3 All three respondees to the soft market test took the opportunity to provide a demonstration of their case management system. A mix of social workers and senior managers attended the provider demonstrations to ensure that feedback from the sessions captured the responses of a range of stakeholders within each service area.
- 4.4 Feedback from the service areas was used alongside the results of the soft market test exercise to generate an options paper for procurement next steps that was reviewed by both service area department management teams.
- 4.5 The proposed Contract meets the requirement of Best Value and Continuous Improvement as approved by the Council's Commissioning and Procurement Board on 19 September.

5.0 Financial Considerations

- 5.1 Part 3 of the Council's Constitution states that the Corporate Director of Community, Health & Wellbeing has delegated authority to approve the award of contracts for services and supplies valued at less than £2 million . The estimated value of the Contract is £1,587,889 for the contract term (3+1) years. This figure includes VAT, the net value of this contract is £1,323,241.
- 5.2 The cost of the Contract will be funded from budgets within the Community, Health & Wellbeing and Children and Young People's directorates.
- 5.3 Community, Health & Wellbeing held the budget for the prior contract for Mosaic. As this contract exceeds the value of the previous contract, the excess costs will be split between Community, Health & Wellbeing and Children and Young People. The costing split between each directorate has been calculated based on which costs are relevant for the department, and these have been weighted based on usage.
- 5.4 For this contract, the costs attributable to Community, Health & Wellbeing are £271,267 annually, £1,085,068 across the contract term. The costs attributable to the Children and Young people directorate are £59,543 annually, £238,172 across the contract term.

6.0 Legal Considerations

- 6.1 The value of the Contract over its lifetime is in excess of the Public Contracts Regulations 2015 (the "PCR 2015") threshold for Services and the award of the Contract is therefore governed by the PCR 2015.

- 6.2 Officers recommend the use of a framework to procure the Contract. The PCR 2015 allow the use of framework agreements and prescribe rules and controls for their procurement. Contracts may then be called off under such framework agreements without the need for them to be separately advertised and procured through a full procurement process. Call offs under the framework agreement need to be carried out in accordance with the framework rules, to include using evaluation criteria specified in the framework agreement and utilising the terms and conditions set out in the framework agreement.
- 6.3 The Council's Contract Standing Orders state that no formal tendering procedures apply where contracts are called off under a framework agreement established by another contracting authority, where call off under the framework agreement is approved by the relevant Corporate Director or Director and provided that the Corporate Director, Law & Governance has advised that participation in the framework is legally permissible. The Corporate Director, Law & Governance has confirmed that participation in the Framework is legally permissible.
- 6.4 The award of the Contract is subject to the Council's own Standing Orders in respect of Medium Value Contracts. The Corporate Director, Community Health and Wellbeing has delegated power to award Medium Value Contracts in accordance with paragraph 9.5 of Part 3 of the Constitution.
- 6.5 The decision to award the Contract will be subject to call-in as provided for in the Council's Constitution. As the procurement of the Contract is from a framework, there is no requirement for the Council to observe a 10 day standstill period under the PCR 2015.
- 6.6 There are no Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) implications as the Contract is being awarded to the same provider who is delivering the current services and there will be no Council staff impacted by this decision.

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 (Appendix 2).

8.0 Climate Change and Environmental Considerations

- 8.1 Migrating to hosted servers often results in more efficient energy use as Cloud providers optimise their data centres, leading to reduced carbon footprints compared to on-premise systems. This is in line with the Council's Climate Emergency Strategy and commitment to do all within its gift to achieve net zero by 2030.

9.0 Human Resources/Property Considerations

- 9.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from retendering the Contract.
- 9.2 There are no TUPE implications as the Contract is being awarded to the same provider who is delivering the current services.

10.0 Communication Considerations

- 10.1 The IT department and service area performance teams have been briefed on their required levels of input for the migration to Cloud servers. The migration project will be assigned a project manager from the Digital Transformation team to ensure that the requirements for the migration are communicated effectively to all teams involved.

Report sign off:

Rachel Crossley

Corporate Director Community Health and Wellbeing