	Decision of the Leader of the Council and Cabinet Member for Adult Social Care
	Report from the Corporate Director, Service Reform and Strategy

APPROVAL TO WAIVE CONTRACT STANDING ORDERS TO PERMIT PROCUREMENT OF CARE AND SUPPORT SERVICES FOR THE EXTRA CARE SCHEME OF WATLING GARDENS THROUGH A DIRECT AWARD

Wards Affected:	All wards
Key or Non-Key Decision:	Non-Key Decision
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
List of Appendices:	None
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Anjana Chakraborty Supplier Relationship Manager Anjana.Chakraborty@brent.gov.uk Anna McCarty Team Manager Anna.Mccarty@brent.gov.uk Edwin Mensah Acting Head of Commissioning Contracting and Market Management Edwin.Mensah@brent.gov.uk

1.0 Executive Summary

1.1. This report concerns the procurement of care and support services for the extra care scheme of Watling Gardens.

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1.2 The purpose of this report is to seek Cabinet Member approval to waive Contract Standing Orders to enable a direct award of a contract for care and support services for the extra care scheme of Watling Gardens. The case for direct award, as opposed to a full tender process, is set out in the detail below.

2.0 Recommendation(s)

That the Leader of the Council and Cabinet Member for Adult Social Care:

2.1. Approves an exemption pursuant to Contract Standing Order 84(a) of the requirement to tender a contract for care and support services for the extra care scheme of Watling Gardens for a period of eight (8) months in accordance with paragraph 13 of Part 3 of the Constitution.

3.0 Detail

3.1 Contribution to Borough Plan Priorities & Strategic Context

3.1.1 Strategic Priority 5 within the Brent Borough plan 2023-27: Moving Brent Forward Together[1] is about building a healthier Brent. One of the desired outcomes of this is Desired Outcome 1 under tackling health inequalities, to ensure all adults with care and support needs are able to access support and services and they are integrated with health, culturally competent and responsive to individual need. To work with NHS and partners to deliver more cross-sector working within services that impact on health, such as housing, mental health and community safety.

3.1.2 Desired outcome 2 of the Strategic Priority 5 is for localised services for local needs. This includes 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 while also addressing key health issues including heart disease and respiratory conditions.

3.1.3 The care and support service at the extra care scheme of, Watling Gardens, will help achieve desired outcome 1 and 2 of the Strategic Priority 5 by ensuring extra care accommodation with core and assessed support is available to adult social care residents over the age of 50 and over to allow them to live more independently and promote their wellbeing.

3.2 Background

3.2.1 Twenty-five residents previously housed at Visram House required an urgent decant due to issues at the property. A contract was in place at Visram House

[1] https://www.brent.gov.uk/the-council-and-democracy/strategies-priorites-and-policies

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for care and support services, however, the building was operating at approximately 25% occupancy, with no new referrals having been made for several years. Brent Council and PA Housing (the landlord), worked together over several years to safeguard the safety and wellbeing of residents whilst seeking to address the cladding issues. As an immediate mitigation measure, fire wardens were deployed to provide continuous monitoring and assurance of resident safety, with the associated costs met by PA Housing. Over time, it became apparent that the cladding issues required a long-term solution. A decision was made, in partnership with PA Housing, Creative Support Limited (the incumbent care provider) and Brent's Senior Leadership team, to terminate all placements within Visram House. Continuing to operate the service would have increased the risks for residents whose needs had changed over time, whilst also resulting in continued financial pressure for the Council.

3.2.2 The handover of Watling Gardens in Kilburn coincided with the decision to decant Visram House. It also presented an opportunity to reassess the needs of all existing residents and identify the best onward accommodation that met their needs. An internal working group was mobilised comprising of Adult Social Care staff from the Mental Health, Reviews and Learning Disabilities teams and Commissioning to ensure a co-ordinated approach towards the reassessment of the residents' needs.

3.2.3 The reassessment of residents' needs identified that several residents' circumstances and care needs had changed significantly over time. Residents were consulted with, with the support of Advocates where necessary, and with families. Some residents required nursing or residential care whilst others wanted to move out of London to be closer to family.

3.2.4 The review identified four residents with specific learning disabilities who had lived at Visram House for more than 30 years and had developed a strong friendship. The Council recognised the need for this support network to be maintained and committed to accommodating the four residents together, who have similar needs. This presented an opportunity for the Council to bring 124 Harrowdene Road on-line after a prolonged void period and accommodate the four residents together. Other residents with more distinct complex health and care needs were moved into the Watling Gardens Extra Care scheme. Others were moved into residential or nursing care.

3.2.5 During the residents' reviews, colleagues from Housing, Building Compliance, Health and Safety had been meeting with PA Housing and Creative Support Limited. Several building compliance issues with Watling Gardens came to light necessitating immediate remedial action before residents could be moved into the building. This work delayed Watling Gardens coming online which had originally been planned for January 2026. Initial plans to extend the care and support contract with Creative Support Limited were hampered by the uncertainty of whether the building would be available for the occupation of residents and for the delivery of the care and support service. Putting a care

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and support contract in place without a building would have opened the Council to the financial liabilities of paying Creative Support Limited for a care and support service that could not be delivered. The Council was also concerned about the welfare of the residents, especially those whose health had deteriorated, and sought to minimise the stress and disruption and ensure their continuity of care.

3.2.6 PA Housing subsequently requested that the remaining residents were relocated within a four-week period. Consequently, the Council had to co-ordinate and complete multiple resident moves within a very short period. The strong partnership between Adult Social Care, Commissioning, Housing, Building Compliance and Health and Safety enabled the safe transition of residents to suitable accommodation services that met their needs safely whilst ensuring continuity of care and support.

3.2.7 Despite significant contractual, property and operational challenges, the Council successfully delivered a complex programme of moves whilst maintaining resident safety and continuity of care. The mobilisation of services at 124 Harrowdene Road and Watling Gardens, alongside the securing of alternative specialist placements where required, enabled the Council to mitigate the risks associated with the closure of Visram House and ensure residents were supported in environments capable of meeting their long-term needs. Mobilisation of the care and support service at Watling Gardens began in June 2026. The move of residents to Watling Gardens began in June 2026. The existing contract at Visram House expired, and though there was an option to extend, this was not utilised. Due to the issues identified at the property, a decision was subsequently made to terminate all placements within Visram House. As a result, residents were moved to Watling Gardens and there is currently no formal contract in place covering the delivery of the services at Watling Gardens.

3.2.8 Officers now wish to put an interim contract in place for care and support services at Watling Gardens to cover the services moving forward, for a period of eight months, so as to allow enough time to carry out a long-term procurement process. The proposed start date of the interim contract is the 29th of October 2026, following confirmation of the award of the contract. Officers wish to obtain a waiver of the requirement to tender for a contract, to enable a direct award of the contract to the incumbent provider, Creative Support Limited, who delivered services for this cohort at Visram House. The estimated value of the contract is £549,019. This will allow Officers time to commence a new tender process to reprocure a long-term care and support contract for the extra care scheme of Watling Gardens. It will also allow the current residents to receive continuity of care from a provider who is knowledgeable about their needs until the new procurement process is completed. For the reasons set out above, Officers are seeking a waiver from the requirement to tender for a contract.

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4.0 Stakeholder and ward member consultation and engagement

4.1 Service user voice will be included in the new service specification so that providers understand (and must respond to) what is important to customers.

5.0 Financial Considerations

5.1 Given the nature of this report i.e. approval to waive the Contract Standing Order to tender a contract for care and support services for the extra care scheme of Watling Gardens, there are no specific financial implication for the council at this stage.

5.2 It should be noted that once approval for the waiver is granted, a subsequent report will follow approving the direct award and hence the financial implications will be provided at that stage.

6.0 Legal Considerations

6.1 In accordance with paragraph 13 of Part 3 of Brent's Constitution, the Leader has delegated certain functions to Cabinet members to be exercised within their portfolio area in consultation with the Leader. This delegation includes the agreement of waivers of Contract Standing Orders for Medium and High Value Contracts subject to their being no breach of the Council's own procedures or domestic law.

6.2 The services Officers are proposing to procure are valued at £549,019 over the contract term; thus the proposed contract is classified as a Medium Value Contract under Contract Standing Orders. Contract Standing Orders require that a Medium Value Contract be procured by way of a tender process but for the reasons detailed in the body of the report, Officers do not consider it is possible to procure the contract by way of a tender process.

6.3 The proposed contract will be governed by the Procurement Act 2023 (PA 23) which is supplemented by the Procurement Regulations 2024 (PR 24). The Services which officers are proposing to procure fall under the category of Light Touch Services under Schedule 1 as defined under the PR 24. The contract value is below the PA 23 threshold for Light Touch Contracts, which is set at £663,540. However, while the contract value is below the threshold, the direct award of the contract must still comply with the overarching principles of PA 23, including transparency, equal treatment, non-discrimination, and proportionality. The Cabinet Member has the discretion to waive the requirement to tender in such circumstances, provided these principles are adhered to. Waiving Contract Standing Orders would then enable the Corporate Director or Director to approve the direct award of the contract.

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6.4 The Council must comply with all the relevant notice provisions which are applicable throughout the term of the proposed contract, including its award, entry and management of the contract as required under the PA 23 and Contract Standing Order 115(a). This includes ensuring that the decision to directly award the contract is appropriately documented and justified.

6.5 In deciding to waive the Contract Standing Orders, the Leader of the Council and Cabinet Member for Adult Social Care must consider the reasons Officers have set out in Section 3 of the report, which justify the direct award of the contract and ensure that the waiver decision aligns with the principles of PA 23.

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 recommendations in this report have been subject to screening. Officers believe that there are no adverse equality implications.

8.0 Climate Change and Environmental Considerations

8.1 The council declared a climate and ecological emergency in 2019 and pledged to do all reasonable within our gift to achieve carbon neutrality on a

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borough-wide basis by 2030. As part of the strategy to implement this declaration, the council has developed a Procurement Sustainability Policy which sets out the environmental sustainability expectations for providers.

9.0 Human Resources/Property Considerations (if appropriate)

9.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from the procurement of the contract.

10.0 Communication Considerations

10.1 Officers have kept customers, families and stakeholders informed throughout the decanting of Visram House and the move by customers to accommodation suitable for their needs including Watling Gardens.

Report sign off:

Rachel Crossley
Corporate Director, Service Reform and Strategy.

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