	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 FOR THE PROVISION OF CARE AND SUPPORT SERVICES FOR ADULTS WITH LEARNING DISABILITIES AND AUTISM AT 124 HARROWDENE ROAD 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:	N/A
Background Papers:	N/A
Contact Officer(s): (Name, Title, Contact Details)	Name: Marcia Lennon Job Title: Supplier Relationship Manger Email: marcia.lennon@brent.gov.uk

1.0 Executive Summary

1.1. This report concerns the procurement of a contract for care and support services within a supported living setting for adults with learning disabilities and autism at 124 Harrowdene Road, HA0 2JF.

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 adults with learning disabilities and autism at 124 Harrowdene Road. 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:

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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 adults with learning disabilities and autism at 124 Harrowdene Road for a period of seven (7) 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 The purpose of this direct award is to put interim measures in place for care and support services at 124 Harrowdene Road, and align this with two further care and support services, due to go out to tender, namely 127 and 129 Harrowdene Road. The intention is to appoint one care and support provider for all three supported living sites referenced above.

3.1.2 The service is well positioned to make a significant contribution to Brent Council's Borough Plan 2023–2027, Strategic Priority 5. In particular, it supports Desired Outcome 1: Tackling Health Inequalities, by providing services, care and support for this vulnerable group of service users with eligible needs and Desired Outcome 2: Localised Services for Local Needs, by providing services that are Brent based.

3.1.3 By providing an inclusive and accessible environment, the service actively works towards reducing health inequalities and strengthening community ties through supporting people closer to home, engagement initiatives and robust partnerships with local organisations. Additionally, the setting supports employment in the local community through job creation and specialised training and enhances the resilience of these communities by fostering supportive networks.

3.2 Background

3.2.1 The Council requires a contract for the provision of care and support services at 124 Harrowdene Road, for adults with learning disabilities and autism.
The service users at 124 Harrowdene Road were previously housed at Visram House and required urgent decant due to health and safety issues relating to cladding at the property. The service was operating at approximately 25% occupancy, with no new referrals made for several years. To ensure the safety and wellbeing of the service users, Brent Council and PA Housing (the landlord), worked together to address the cladding issues. As an immediate mitigation measure, fire wardens were deployed to provide continuous monitoring and assurance of services users at the property, with the costs being met by PA Housing. When 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.

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3.2.2 A comprehensive assessment of residents' needs identified that since they were placed in the service, several residents' circumstances and care needs had changed significantly. This included four residents with specific learning disabilities who lived together 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. These elderly residents had assessed mobility needs and required accommodation with suitable adaptations. The move to 124 Harrowdene Road presented an opportunity to keep these residents together and for the Council to bring this service on-line after a prolonged void period for 124 Harrowdene Road. 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.

3.2.3 During the transition planning, for all Visram House customers, PA Housing requested that the remaining residents were relocated within a four-week period as notice had been given 6 weeks prior. The Council co-ordinated multiple moves for service users 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 service users to suitable alternative provision that met their needs safely.

3.2.4 Despite significant contractual, property and operational challenges, the Council successfully relocated service users and mobilised services at 124 Harrowdene Road 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. 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, a specific cohort of service users were moved to 124 Harrowdene Road.

3.2.5 The award of an interim contract for care services at 124 Harrowdene Road is intended to align the end date with two further care and support services due to go out to tender, namely 127 and 129 Harrowdene Road. Sites at 127 and 129 Harrowdene Road are currently covered under a single contract, which is due to expire on 6th May 2027. The interim direct award for 124 Harrowdene Road is intended to be put in place from 7 October 2026 to 6 May 2027, to align with the 127 and 129 Harrowdene Road end dates.

3.2.6 Due to the reasons set out above, there is no existing contract in place for 124 Harrowdene Road, and Officers wish to put an interim contract in place so as to cover the services. 124 Harrowdene Road will be part of the main procurement process for Harrowdene Road, encompassing 124, 127 and 129

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Harrowdene Road, and the intention for the long-term procurement is to appoint one care and support provider for all three supported living sites referenced above.

3.2.7 The contract at 124 Harrowdene Road is required to ensure contractual arrangements are in place for the delivery of services from this site. Officers have considered whether the Council could directly deliver the required care and support services, however, they have concluded that this service is best provided by a specialist external contractor. Commissioning an experienced provider will ensure access to staff with the appropriate expertise to meet the needs of this service user group, while a competitive tender process will help secure value for money for the Council. Officers intend to direct award the interim contract to Creative Support Limited, who was the incumbent provider delivering services for this cohort at Visram House. The proposed contract will be for a period of seven (7) months, with an estimated value of £227,035.00. For the reasons set out above, Officers are seeking a waiver from the requirement to tender for a contract.

4.0 Stakeholder and ward member consultation and engagement

4.1 Co-production is at the heart of the Brent approach. Officers intend to visit the site at 124 Harrowdene Road. Meetings will be arranged with the service users, family members or advocates. The feedback received has been taken into account in the development of the specification and delivery model proposed.

5.0 Financial Considerations

5.1 Given the nature of this report i.e. approval to waive the Contract Standing Order for a tender in order to enable a direct award of a contract for care and support services for adults with learning disabilities and autism at 124 Harrowdene Road, 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 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.

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6.2 The services Officers are proposing to procure are valued at £227,035 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 should 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 are classified as 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.

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.

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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 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 and marginalisation due to their age, and health conditions. Equalities issues will continue to be considered throughout the review of the service and a key focus in the service model and service specification.

8.0 Climate Change and Environmental Considerations

8.1 124 Harrowdene Road is managed by Brent Council and overseen through Brent Housing Management and the New Accommodation for Independent Living (NAIL) programme. NAIL services develop alternatives to residential care for all vulnerable adult groups, which exemplify modern environmental standards aimed at enhancing sustainability and efficiency.

8.2 The site incorporates energy-efficient designs. They include water-saving fixtures and rainwater harvesting, utilises renewable energy sources to reduce carbon emissions, and includes green spaces to promote biodiversity.

8.3 These initiatives reflect the Council's commitment to sustainable and responsible building practices in supported living services; with this site meeting the Council's environmental and climate control objectives.

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 this contract.

10.0 Communication Considerations

10.1 A tailored communication plan will be put in place with service users and their families.

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Report sign off:

Rachel Crossley
Corporate Director, Service Reform and Strategy.

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