



**Cabinet**  
16 June 2014

**Report from the Director of  
Regeneration and Growth**

For Action

Wards affected:  
ALL

**Authority to tender a contract for Rough Sleepers'  
Outreach and Housing Advice and Resettlement Services.**

**1.0 Summary**

- 1.1 The background to this report is that Brent has since 2011-12 seen a significant and above trend for London boroughs increase in rough sleeping numbers, sufficient for the borough to commission Homeless Link to conduct in November 2013 an independent Needs Analysis for Rough Sleepers in the borough (see attached background paper).
- 1.2 This report provides an overview of the current trend towards an increase in the numbers of those sleeping rough in the borough, illustrating the clear need to maintain the current level of resourcing for rough sleeping services for the foreseeable future, but identifying, in light of the Homeless Link Needs Analysis, the desirability of remodelling the structure of these services to sharpen focus and so improve quality.
- 1.3 The report requests approval to invite tenders as required by Contract Standing Orders 88 and 89 in respect of a contract for Rough Sleepers Outreach Services and a contract for Rough Sleepers Housing Advice and Resettlement Services.

**2.0 Recommendations**

- 2.1 The Cabinet to approve inviting tenders for a contract for Rough Sleepers' Outreach Services and a contract for Rough Sleepers' Housing Advice and Resettlement Services on the basis of the pre - tender considerations set out in paragraph 3.21 of this report.

- 2.2 The Cabinet to give approval to officers to evaluate the tenders referred to in 2.1 above on the basis of the evaluation criteria set out in paragraph 3.21 of this report.

### **3.0 Detail**

#### *Background and context*

- 3.1 The council has been aligning its own housing and homelessness strategies and action plans to government led initiatives related to the prevention and alleviation of street homelessness since the first major government strategy in 1999 'Coming in from the cold'. The most recent government strategy launched in November 2011 'Vision to end rough sleeping: No Second Night Out nationwide' follows on from a Greater London Authority (GLA) initiative 'No second night out' being driven by the Mayor's Office and the London Delivery Board (LDB) established in 2009, with the aim of ending rough sleeping by December 2012. Brent has been a member of the LDB along with some other London boroughs and other key partners such as DCLG, the UK Border Agency (UKBA), Police and various voluntary sector groups. The emphasis of the current strategy is similar to previous strategies in its aim to work collaboratively and tackle the underlying causes of rough sleeping such as worklessness, addiction and mental illness. However, the most recent strategy acknowledges the complexities of completely eradicating rough sleeping and has moved towards the aim of ensuring that rough sleepers who are new to the street, do not spend a second night on the streets. Key success measures now focus on the ability to prevent those new to sleeping on the street becoming people who 'live' on the street.

#### *Defining and quantifying rough sleeping*

- 3.2 Definitions of 'rough sleeping' have changed over time; until 2010 rough sleeping was defined as those 'sleeping, or bedded down, in the open air, or in buildings or other places not designed for habitation'. In 2010 the definition expanded to include rough sleepers 'about to bed down' e.g. sitting or standing near their bedding but not actually lying down and to people living in tents.
- 3.3 Formal counts of people sleeping rough have been conducted in Brent since 2006 and the outcomes of these are set out in Table 1 below. These figures represent a snap shot of the extent of rough sleeping on a given night where known rough sleeping 'hot spots' are visited and rough sleepers counted in accordance with DCLG guidance described in paragraph 3.2 above.

**Table 1: Rough sleeping street count snapshots.**

Date of count	Number of rough sleepers counted
November 2007	1
November 2008	4
November 2009	4
November 2010	3
November 2011	7
November 2012	11
November 2013	6

- 3.4 While they can make a useful yardstick by which to measure year on year changes in the number of people sleeping rough in a borough, annual street counts, being a one night snapshot are not the most accurate methodology for establishing a boroughs number of rough sleepers and are subject to anomalous counts caused by poor weather or the like.
- 3.5 A more accurate picture of a borough's number of rough sleeping can be derived from data downloaded from CHAIN, the online database outreach teams use to record all their streets contacts. It's worth noting that Camden chose not to do a street count in 2013, choosing instead to make an estimate of the numbers sleeping rough in the borough based on their CHAIN data, as they believed it likely this would yield a more accurate picture.
- 3.6 Table 2 sets out the number of rough sleeper contacts (using the DCLG definitions as set out in paragraph 3.2) recorded on CHAIN for BRENT from April 2005 to March 2013. Official figures for the year 2013-14 are due to be published on 30/06/14.

**Table 2: Number of rough sleeping contacts recorded on CHAIN in each year**

Financial year	Total number of rough sleepers contacted.	Flow (new to rough sleeping)	Stock (living on the streets 2 plus years)	Returners (returning to the street after at least a year of settled living )
2005/2006	43	Not recorded	Not recorded	Not recorded
2006/2007	61	Not recorded	Not recorded	Not recorded
2007/2008	83	Not recorded	Not recorded	Not recorded
2008/2009	139	132	2	5
2009/2010	75	68	3	4
2010/2011	39	38	1	0
2011/2012	166	155	6	5
2012/2013	235	208	9	6

- 3.7 These figures demonstrate that while according to street count figures (Table 1) Brent experienced a 267% increase in the numbers sleeping rough in the borough over the two financial years 2011/12 and 2012/13, CHAIN data indicates that the increase over this period was nearer 500%.
- 3.8 This compares with a national average increase in the number of rough sleepers of 23% and a London average increase of 43%.
- 3.9 While official figures will not be available till 30/06/14, an interim analysis of our CHAIN data indicates that the number of verified rough sleepers recorded on CHAIN as having been contacted by outreach services in Brent for the year 2013/14 will be of the order of 325, an increase of just over a third on last year's numbers
- 3.10 Identified contributors to this increase in numbers include the impact of the recession and welfare reform and an element of under-reporting in 2010/2011, combined with additional services put in place across London from April 2012 that supplemented Brent's commissioned rough sleeping service, doubling the resources available to them and in doing so significantly enhancing their ability to identify (and work with) rough sleepers.
- 3.11 There is also growing evidence that indicates both that the numbers of Central and Eastern European rough sleepers in the borough were not accurately recorded pre 2011/12 and that these numbers are growing for Brent above trend in comparison with other London boroughs.
- 3.12 Brent has not traditionally had high numbers of people 'living on the street' but again this was an increasing trend over the financial years 2011/12 and 2012/13 with Brent having six people living on the streets at the end of 2013. The interim analysis of our CHAIN data indicates that the borough will record a similar number of people 'living on the street' for the year 2013/14. This is of concern due to the complexities associated with the reasons people live on the streets and the challenges faced in assisting people into settled living or supporting and/or removing those who have no recourse to public funds.
- 3.13 The council currently has a contract for the provision of rough sleeper services in the borough. The contract was due to expire at the end of March 2014 but has been extended to the beginning of October 2014 to tie in with the proposed start dates of the new contracts. A Needs Analysis, including a review of this contract, has recently been undertaken by Homeless Link.

*Issues arising from the Needs Analysis conducted by Homeless Link.*

- 3.14 While Homeless Link's Needs Analysis identified examples of innovative and good practice in the current provider's outreach practices, it also identified that the current provider, having been given the latitude to choose how to allocate resources between the outreach and housing advice and resettlement elements of its commissioned rough services, significantly biased the allocation of resources to housing advice and resettlement, to the detriment of the outreach element of the service.

- 3.15 At the time of the Needs Analysis the current provider was operating three outreach shifts a week, of three hours duration each. This represented a resource allocation to outreach services of less than one FTE post out of the four FTE Outreach and Resettlement posts the current provider receives funding for, the remaining resources being allocated to its building based housing advice and resettlement service.
- 3.16 Since the Needs Analysis was conducted, the current provider has allocated greater resources to outreach, committing to increase the length of each outreach shift from three hours to six.
- 3.17 Going forward, commissioning the street outreach and housing advice and resettlement elements of Brent's Rough Sleeping Services as two separate contracts, with separate service specifications and performance indicators would ensure that each service was allocated the resources intended and tighten each service's focus on delivering the specific area of work they were commissioned to deliver.

### *Conclusion*

- 3.18 There is still a demonstrable need for this service and one that, if the authority is to effectively address the numbers rough sleeping rough in the borough, is resourced as a minimum with the same four FTE posts as the current service.
- 3.19 Officers consider that responsiveness and accountability of these services would be further enhanced by commissioning the Street Outreach and Housing Advice and Resettlement components of the service in two separate lots. This proposal has been discussed with the current provider when they were debriefed on Homeless Link's needs analysis.
- 3.20 It is possible that cost savings may be achieved through realising reduced hourly contract rates that have resulted from market conditions and efficiency savings achieved by providers across the sector in response to austerity.

### **Pre Tender Considerations**

- 3.21 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations have been set out below for the approval of the Cabinet.

<b>Ref.</b>	<b>Requirement</b>	<b>Response</b>
(i)	The nature of the service.	A contract for a Rough Sleepers' Outreach Service and a contract for a Housing Advice and Resettlement Service
(ii)	The estimated value.	The estimated value of the Rough Sleepers' Outreach Service is £65k per annum, £195K over the 3 year initial term, or £325k over the potential 5 year term. The estimated value of the Housing Advice and Resettlement Service is £65k per annum, £195K over the 3 year initial term, or £325k over the potential 5

Ref.	Requirement	Response
		year term.
(iii)	The contract term.	Both contracts will be let for an initial period of 3 years with an option to extend by up to a further 2 years.
(iv)	The tender procedure to be adopted.	A single stage tender process.
v)	The procurement timetable.	<b>Indicative dates are:</b>
		Adverts placed 16/06/14
		Invite to tender 23/06/14
		Deadline for tender submissions 16/07/14
		Panel evaluation and shortlist for interview 21/07/14
		Interviews and contract decision 28/07/14
		Report recommending Contract award circulated internally for comment 30/07/14
		Cabinet approval August 2014
		Cabinet call in period of 5 days Following Cabinet Approval
		Contract Mobilisation September 2014
		Contract start date 06/10/14
(vi)	The evaluation criteria and process.	<p>At tender evaluation stage, the panel will evaluate the tenders for both contracts using a 40%:60% price:quality split.</p> <p>Price of both lots will be evaluated on the basis of a price prospective provider's quote for delivering the specified service using a comparative scoring methodology.</p> <p>Quality for the contracts will be evaluated against the</p>

Ref.	Requirement	Response
		<p>following criteria:</p> <p><i>Criteria for the Rough Sleeper's Street Outreach Service;</i></p> <p>RSOS 1) Proposals as to how the tenderer's previous experience will be applied to provide a high quality outreach service to rough sleepers that delivered demonstrable constructive outcomes for the rough sleepers worked with</p> <p>RSOS 2) The appropriateness and effectiveness of the tenderer's proposed systems and working methods to deliver the Brent Rough Sleepers' Outreach Service,</p> <p>RSOS 3) The Tenderer's proposals for how they will maximise the impact of the service within the available resources.</p> <p>RSOS 4) Proposals with regard to partnership work with other providers to maximize the service offer to service users and improve outcomes.</p> <p>RSOS 5) The appropriateness and effectiveness of the tenderer's proposed systems for ensuring integration of service offer between the Rough Sleepers Outreach and Advice &amp; Resettlement services.</p> <p><i>Criteria for the Rough Sleeper's Street Housing Advice and Resettlement Service;</i></p> <p>RSA&amp;RS 1) Proposals as to how the tenderer's previous experience will be used to provide a high quality advice and resettlement service that supports single homeless people in securing stable accommodation and sustaining it.</p> <p>RSA&amp;RS 2) The appropriateness and effectiveness of the tenderer's proposed systems and working methods to deliver the Brent Rough Sleepers' Advice &amp; Resettlement Service.</p> <p>RSA&amp;RS 3) Proposals demonstrating the tenderer's ability to support Brent rough sleepers assisted into accommodation with accessing appropriate education, training or employment</p>

Ref.	Requirement	Response
		<p>RSA&amp;RS 4) Proposals demonstrating the tenderer's ability to support Brent rough sleepers who have previously been assisted into accommodation maintain their tenancies should they later experience difficulties that threaten these tenancies</p> <p>RSA&amp;RS 5) Proposals with regard to the partnership work with other providers to maximize the service offer to service users and improve outcomes,</p> <p>RSA&amp;RS 6) The appropriateness and effectiveness of the tenderer's proposed systems for ensuring integration of service offer between the Rough Sleepers Advice &amp; Resettlement and Outreach services.</p>
(vii)	Any business risks associated with entering the contract.	No specific business risks are considered to be associated with entering into the proposed contract. Financial Services and Legal Services have been consulted concerning this contract.
(viii)	The Council's Best Value duties.	This procurement process and on-going contractual requirement will ensure that the Council's Best Value obligations are met.
(ix)	Consideration of Public Services (Social Value) Act 2012	See section 8 below.
(x)	Any staffing implications, including TUPE and pensions.	This service is currently provided by an external contractor and there are no TUPE or pension implications for the council arising from retendering this contract.
(xi)	The relevant financial, legal and other considerations.	See section 4 and 5 below,

3.3 The 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 Financial Implications

4.1 The estimated value of each of the service contracts is £65k per annum (£130k for both contracts combined), £195k over the initial three year term of the contract (£390k for both contracts) and up to £325k if the council exercises its option to extend the contract by up to another two years (£650k for both contracts).



- 4.2 It is anticipated that the cost of these contracts will be funded from the existing temporary accommodation budget.
- 4.3 The cost of the current contract with the current provider for the current service is £154k per annum.
- 4.4 Since the service was last commissioned market conditions/efficiency savings across the sector have resulted in reduced hourly contract rates, it is anticipated that this will be reflected in the pricing of the new contract. This is the basis for the projected reduced annual cost of £130k per annum for both contracts of for the retendered services.
- 4.5 Based on the assumption that the new services will start from the beginning of October 2014, the planned expenditure for these services for the current financial year is £142k.

## **5.0 Legal Implications**

- 5.1 The estimated total values of the contract for a Rough Sleepers' Outreach Service and the contract for a Housing Advice and Resettlement Service are both £325k and as such in excess of the Public Contracts Regulations 2006 (the "EU Regulations") threshold for Services. Both Services are classed as Part B Services for the purposes of the EU Regulations and as such are subject to partial application of the EU Regulations, including non-discrimination in the technical specification and notification of the contract award to the EU Publications Office. Whilst the contract is not therefore subject to the full tendering requirements of EU Regulations, it is however subject to the overriding EU Treaty principles of equality of treatment, fairness and transparency in the award of contracts. 5.2 The estimated total value of each contract is in excess of £250,000 making the contracts High Value Contracts under the council's Constitution. As such the contracts are subject to the Council's own Standing Orders and Financial Regulations in respect of High Value Contracts and the Cabinet is required to consider approval of the pre-tender considerations as set out in paragraph 3.21 above (Standing Order 89) and the inviting of tenders (Standing Order 88).
- 5.2 Once the tendering process has been undertaken, Officers will report back to the Cabinet in accordance with Contract Standing Orders, explaining the process undertaken in tendering the contracts and making recommendations for their award.
- 5.3 In the present case if the contracts are awarded to a new contractor the Transfer of Employment (Protection of Employment) Regulations 2006 ("TUPE") is likely to apply so as to transfer from the current to the new contractor those employees of the current contractor who spend all or most of their working time on the activities taken over by the new contractor.
- 5.4 The council's duties in connection with the Public Services (Social Value) Act 2012 are contained in Section 8.

## **6.0 Diversity Implications**

- 6.1 An Equalities Impact Assessment for the services has been carried out and a copy of it is attached as Appendix A.

## **7.0 Staffing/Accommodation Implications)**

- 7.1 This service is currently provided by an external contractor and there are no implications for council staff arising from retendering the contract.
- 7.2 No accommodation implications arise for the council out of the retendering of this contract.

## **8.0 Public Services (Social Value) Act 2012**

- 8.1 Since 31 January 2013, the council, in common with all public authorities subject to the EU Regulations, has been under duty pursuant to the Public Services (Social Value) Act 2012 to consider how the services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the council might act with a view to securing that improvement; and whether the council should undertake consultation. This duty applies to the procurement of the proposed contract as Part B Services over the threshold for application of the EU Regulations are subject to the requirements of the Public Services (Social Value) Act 2012.
- 8.2 The services being procured have as their primary aim improving the social and economic well being of rough sleepers, one of the most vulnerable groups in Brent. Users are as far as is practicable, considering the degree of personal crisis they are often experiencing when engaging with these services, consulted to ensure they best meet their needs and the views of users will be taken into account in these procuring services.
- 8.3 In addressing the needs of rough sleepers and reducing the numbers of people rough sleeping across the borough these services will also reduce the incidence of rough sleeping related anti-social behaviour and the impact rough sleeping can have on the public domain and wider environment, in doing so improving the economic, social and environmental well-being of the wider community.
- 8.4 There is a limited market for the delivery of these services; however, officers will endeavour to describe the scope of service in such a way as to further meet the requirements of the Act during the procurement process.

## **Background Papers**

Homeless Link Rough Sleeping Needs Analysis.

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