



**Cabinet**  
11 December 2017

**Report from the Strategic Director  
of Community Wellbeing**

**Authority To Award Contracts For Care and Support for  
Learning Disability Supported Living Accommodation**

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| <b>Wards Affected:</b>                                                                                                                                    | All                                                                                                                                                                                                                                                                                                                                                   |
| <b>Key or Non-Key Decision:</b>                                                                                                                           | Key                                                                                                                                                                                                                                                                                                                                                   |
| <b>Open or Part/Fully Exempt:</b><br><small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small> | Part Exempt - <b>Appendix 1 is Not for Publication</b> as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: <i>"Information relating to the financial or business affairs of any particular person (including the authority holding that information)"</i> |
| <b>No. of Appendices:</b>                                                                                                                                 | 3                                                                                                                                                                                                                                                                                                                                                     |
| <b>Background Papers:</b>                                                                                                                                 | None                                                                                                                                                                                                                                                                                                                                                  |
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**1.0 Purpose of the Report**

- 1.1 This report requests authority to award 2 contracts each for a period of 3+1+1 years as required by Contract Standing Order No 88. These contracts are for care and support services within supported living accommodation at 7 Kinch Grove and 63 Manor Drive and 54 Beechcroft Gardens.
- 1.2 These care and support services will be provided to people aged 18+ who have learning disabilities and an assessed need for care and support as defined by The Care Act 2014. They will deliver enablement focussed support which will support individual's to have increased choice, control and independence in line with our strategic objectives for accommodation based care.

- 1.3 This report summarises the process undertaken in tendering this contract and, following the completion of the evaluation of the tenders, recommends to whom the contract should be awarded.
- 1.4 The tender process was conducted through the Brent Council's Accommodation plus Dynamic Purchasing System (AP DPS).

## **2.0 Recommendations**

That Members:

- 2.1 Award a contract for 24 hour care and support at Kinch Grove to Voyage Care for a period of 3 years with options to extend for 2 further periods of 1 year (3+1+1).
- 2.2 Award a contract for 24 hour care and support at 63 Manor Drive and 54 Beechcroft Gardens to Dimensions (UK) Ltd for a period of 3 years with options to extend for 2 further periods of 1 year (3+1+1).

## **3.0 Detail**

### ***Background***

- 3.1 The 3 properties at Kinch Grove, 63 Manor Drive and 54 Beechcroft Gardens were transferred to Brent Council by Brent PCT in 2011. At this time they were residential care services with service providers in situ delivering the service. The services are all for people with learning disabilities and it was a condition of the transfer that these properties continue to deliver services to this client group. With Council authority and in consultation with service users and families the 3 services de-registered to supported living services accommodation, the last to deregister was Kinch Grove which achieved supported living status in September 2016.
- 3.2 Procurement of care and support in a supported living setting for adults who have a learning disability ensure the local authority continues to meet our ambition of ensuring people receive care and support in a way that is flexible in meeting their needs, delivers better outcomes for people, improves their quality of life and gives greater choice and control over how their care is delivered, in a home of their own.
- 3.3 Kinch Grove provides supported living care and support for up to 4 individuals with needs arising from a learning disability. The current tenants have lived and received support at this service for many years, and are now entering older age. They have close relationships with each other and are supported by their families who are actively involved in their lives and care. Service users have been supported through the de-registration process and the service has been in a process of transition from a residential model of care to a supported living model which offers service users more choice and control over their support. Support is delivered on-site covering 24 hours per day including waking night.

- 3.4 Manor Drive and Beechcroft Gardens provides supported living care and support for up to 7 individuals (4 individuals and 3 individuals respectively) with needs arising from a learning disability. Those individuals currently in situ in Manor Drive have moved in more recently, within the last 3 years. Support is provided on-site covering 24 hours per day with sleep in provision on-site. Those living in Beechcroft Gardens have lived at this location for a number of years. The majority of individuals at Manor Drive and Beechcroft have family members who are actively involved in their lives and care.
- 3.5 These services deliver to Brent's Market Position Statement (MPS) 2014 and are linked to the wider NAIL objective to provide alternatives to institutional residential care. These services support individuals who have a learning disability aged 18+ to maintain their own long-term home, with their own front door via flexible care and support available when people need it.
- 3.6 The emphasis within the procurement of these support services was on care and support delivery to service users being flexible and proactively supporting them to maintain and develop their independent living skills, to maximize using and accessing community assets to live as independently as possible in their own home, reducing hospital admissions and/or moving into more restrictive accommodation support options such as residential and nursing care.

### **The Tender and Evaluation Process**

- 3.7 In accordance with the authority to procure granted by Members in July 2016, tenders were invited from providers on Lot 4.1 of the Accommodation Plus Dynamic Purchasing System ("DPS") on the 15<sup>th</sup> August 2017 for the two tender opportunities for the provision of care and support services at Kinch Grove, and for Manor Drive and Beechcroft Gardens. There were a number of responses received from the bidders detailed in Appendix 1, these bids were robustly evaluated by Brent officers on the basis of cost and quality.
- 3.8 The tendering instructions for both Kinch Grove and Manor Drive and Beechcroft Gardens stated that the contract would be awarded on the basis of the most economically advantageous offer to the Council. Officers compared pricing with other bids in the tender and also checked the bidder's price with other pricing information available for similar provision locally and concluded that the bidders' pricing was competitive.
- 3.9 The evaluation of the quality element of the bid enabled Officers to satisfy themselves as to the ability of the bidder to deliver the proposed service for both Kinch Grove and Manor Drive and Beechcroft Gardens as described in each service specification. Through contract monitoring this will be routinely checked to ensure the content of the bid is reflected in the actual quality of care and support delivered.
- 3.10 These 2 contracts will be let for 3 years with options to extend for 2 further periods of 1 year under the Dynamic Purchasing System Contractual Terms and Conditions.

- 3.11 All tenders had to be submitted electronically via the London Tender Portal no later than 19.09.17. Tenders were opened on 19 September 2017 and 2 valid bid submissions were received in respect of the tenders for both Kinch Grove and Manor Drive and Beechcroft Gardens. A bid submission was received in respect of Kinch Grove which could not proceed as it exceeded the advised cost envelope for the service in line with the tender methodology. Officers evaluated tenders via the DPS online function which limits errors and offers a full audit history.
- 3.12 The tender evaluation was carried out by a panel of officers from Brent Commissioning and Quality. 10% of the quality evaluation consisted of a presentation delivered by bidders which service users/ family members were invited to attend to provide their views and comments. Officers considered these comments when allocating a score to this part of the quality evaluation. 2 family members attended the presentation for Kinch Grove and 2 family members attended the presentation for Manor Drive and Beechcroft Gardens.
- 3.13 A copy of the bidder's scoring is attached in Appendix 2 and it will be noted that the highest scoring bidder for Kinch Grove was Voyage Care (who scored 83.46%) and the highest scoring bidder for Manor Drive and Beechcroft Gardens was Dimensions UK Ltd (who scored 83.20%). As the highest scoring and therefore most economically advantageous bid, these organisations are recommended for award of the 2 contracts.
- 3.14 It is proposed that both contracts will commence on 01.04.2018, following an implementation period from January-March 2018. Both contracts are recommended for award to the current incumbent providers, thus there should be minimal disruption to tenants from the new contract commencement. Implementation plans were submitted as part of the quality evaluation. Officers will work with providers to ensure that the next phase of service delivery is as smooth as possible and of the highest quality for the tenants living in these properties.

#### **4.0 Financial Implications**

- 4.1 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £250k or works contracts exceeding £500k shall be referred to the Cabinet for approval of the award of the contract. The estimated value for the contracts for Kinch Grove and Manor Drive are both over this threshold.
- 4.2 The estimated costs of the proposed contract for Kinch Grove is £240k per annum and for Manor Drive and Beechcroft Gardens is £354k per annum; the actual costs payable will be dependent upon service user need. Voids will not be funded for these contracts.
- 4.3 Both of these contracts will be delivered inclusive of London Living Wage (LLW). Agreeing to a LLW rate would commit the Council to annual increases within the contract which would need to be considered in the annual setting of the Council budget. The Council will need to consider that future inflation in the LLW rate is likely to be higher than other measures of inflation.

- 4.4 The uplift to deliver LLW has had cost implications for the value of these contracts. The annual value across the two contracts is demonstrating a 12% increase due to the impact of paying LLW as opposed to NLW.
- 4.5 It is also to be noted that HMRC tribunal decision regarding sleep in payments which determined that individual's sleeping in at work are working and this should be incorporated into their hours worked across a given period has also had an impact on the price of the service at Manor Drive and Beechcroft Gardens where sleep in support is delivered. The prices submitted ensure that sleep in payments will be made to ensure that workers' wages do not fall below London Living Wage across a given period by the provider. Officers will work with Dimensions UK Ltd to on an ongoing basis to review night provision to ensure that risks and needs at night are safely managed whilst providing best value for money.

## **5.0 Legal Implications**

- 5.1 The estimated value of both contracts over their lifetime is higher than the EU threshold for Services and the award of the contracts therefore is governed by the Public Contracts Regulations 2015 (the "EU Regulations"). The contracts have been procured using the Accommodation Plus Dynamic Purchasing System ("DPS"). The DPS was set up in accordance with the EU Regulations and the procurement has been operated in accordance with the rules governing the operation of the DPS.
- 5.2 The award of the contracts is subject to the Council's own Standing Orders in respect of High Value contracts and Financial Regulations. As such, Member approval is required for the award.
- 5.3 As the DPS has been used to procure the contracts, there is no requirement under EU Regulations for a 10 day standstill period before the contracts can be awarded. Officers are however required to observe a 5 day call in period following Members' decision before award can be made.
- 5.4 As the incumbent providers for both contracts are recommended for award, there are no implications arising out of the Transfer of Undertakings (Protection of Employment) Regulations 2006.

## **6.0 Equality Implications**

- 6.1 Members are referred to the Equalities Impact Assessment at Appendix 3 and will note the proposals in this report have been subject to screening and officer believe that there are no equality implications.

## **7.0 Consultation with Ward Members and Stakeholders**

- 7.1 Officers consulted and worked with service users, their families and advocates to review current services and develop the tender documentation for the care and support services to be procured. Family members were invited to participate in the evaluation of tenders through attending a presentation

delivered by bidders, and provided their views to officers on the presentation content and delivery for consideration. Coproduction was embedded throughout to ensure the service procured represented the needs and wishes of those using these services.

- 7.2 Officers will continue to work with service users and their families throughout the implementation period to facilitate a smooth transition for tenants receiving care and support at these services. These contracts will be robustly monitored to ensure quality services are delivered and the risk of provider failure is minimised. Where it is determined that provider failure is possible officers will work with the provider to manage the issues and if required the contingency will be invoked of sourcing an alternative via current contractual arrangements or a tender process.

## **8.0 Human Resources and Property Implications**

- 8.1 A contract was let for housing management with associated leases and service users have tenancies in place with the housing management provider, Dimensions Care Ltd, giving them security of tenure in their own home. This was procured in 2016/17 and was a Low Value Contract under the Councils Contract Standing Orders and as such was awarded under delegated powers.

- 8.2 These services are provided by an external contractor and there are no implications for Council staff arising from the retendering of the contracts.

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

- 9.1 The Council has a duty pursuant to the Public Services (Social Value) Act 2012 to consider how the service being procured might improve the economic, social and environmental well-being of Brent and how it might act with a view to securing that improvement during the procurement.

- 9.2 The services under these proposed contracts have as their primary aim, the improvement of the social wellbeing of one of the most vulnerable groups in Brent. In procuring the services, the council specified that both contracts should be London Living Wage compliant. Further, social value was an evaluation criterion with a weighting of 10%. Providers were asked to propose social value initiatives as part of their bid and examples of social value initiatives which will be delivered via these contracts are the offer of apprenticeship scheme to young people in Brent to enter the care sector and gain qualifications potentially leading to employment within the organisation; employment offers to people who have disabilities including learning disabilities and autism; aspirational staff career development models including offer of qualifications; spending money locally using local businesses wherever possible; and supporting service users to learn about environmental responsibility, for example through support to purchase environmentally friendly products and engage with household recycling.

**Report sign off:**

**PHIL PORTER**

Strategic Director of Community Wellbeing