

Committee: Cabinet

Date: 27 June 2022

Wards: All Wards

Subject: Supported Living Services for Adults with Learning Disabilities

Lead officer: John Morgan, Interim Director, Community and Housing

Lead member: Councillor Peter McCabe, Cabinet Member for Health and Social Care

Contact officer: Godfrey Luggya, Commissioning Manager

Exempt or confidential report

The following paragraph of [Part 4b Section 10 of the constitution](#) applies in respect of information within this appendix and it is therefore exempt from publication:

Information relating to the financial or business affairs of any particular person (including the Authority holding that information).

Members and officers are advised not to disclose the contents of the appendix.

Recommendations:

- A. That Cabinet agrees to award a contract for the provision of Supported Living care and support services for Adults with a Learning Disability, living at a total of eighteen (18) flats across three (3) supported living schemes, for a period of three years with the option to extend for a further 2 years and as outlined in the confidential Part B paper.
- B. That Cabinet agrees to delegate to the Director of Community and Housing, in consultation with the Cabinet Member for Health and Social Care, the authority to extend the contract by the further increment of 2 years (as above).

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to seek the approval of Cabinet to award a contract for the provision of Supported Living care and support services for Adults with Learning Disabilities across three Supported Living Schemes (77-78 Meopham Road, Concord House, and Clifford Avenue).
- 1.2 This report details the commissioning and procurement process undertaken and the decisions taken by the evaluation panel and makes a recommendation that the contract be awarded to the bidder submitting the Most Economically Advantageous Tender.

2 DETAILS

2.1 Currently care and support services are being provided to three Supported Living Schemes (77-78 Meopham Road, Concord House, and Clifford Avenue) for people with a Learning Disability and/or autism. There are a total of 18 flats across the three schemes. Two schemes are within the London Borough of Merton and third is located in London Borough of Sutton, however the tenants at that scheme remain the responsibility of the Council.

Care and Support services are currently being delivered under a 'Block' payment arrangement as opposed to the proposed new model where core (shared) support costs are separated from individualised care and support costs which will be spot purchased as per the eligible assessed needs of the individuals.

The individuals living at the three schemes are tenants and their housing costs are met via Housing Benefit.

Following OPG, DMT and Procurement Board approval to recommission the service under a competitive open tender procedure, it was agreed to procure one supplier to deliver services across the three schemes, with benefits to include:-

- a. Building a long term, stronger and more collaborative relationship.
- b. Enabling the sharing of management/staff across schemes.
- c. Ensuring quality services are being provided through robust contract monitoring
- d. Offering efficiency savings due to economies of scale.

Core support hours afford all customers flexible access to support 24 hours a day as and when required. Core support hours cover minimum staffing necessary to manage risks and meet residents' needs within a scheme. They include waking night, sleep in and adequate management staff cover 24 hours a day including a CQC Registered Manager. Core support also take account of costs associated with running the service, such as cleaning, maintenance, staff training and any rental costs payable to the landlord for the use of staff accommodation.

Core costs will be paid throughout the term of the contract but would be renegotiate with the successful bidder should occupancy across the 3 schemes fall below 10 customers. The provider will be authorised after a specified period to fill any voids by offering them to other local authorities should the Council fail to find suitable customers.

Individualised care and support hours are priced on an hourly rate and cover care and support provided directly to customers from 7am to 10pm. Individualised care and support hours compliment Core (Shared) hours and will be spot purchased in accordance with the assessment of eligible needs to meet the identified outcomes within the individual's care and support plan. It was

agreed that the Council would purchase individualised care and support hours on a spot provision basis (meaning the Council would only pay for actual hours delivered).

It was projected that estimated annual individualised care and support hours depending on each individual's assessed needs as per their care and support plans across the three schemes will be 36,304 hours per annum.

2.2 Following a review of the service specification, the core objectives of the service are as follows:-

- a. Maximise independence irrespective of the customers' present and future level of needs.
- b. To establish a well-managed, sustainable and capable supported living service across three schemes with sufficient supply (including workforce) and diversity of service provision to meet with customers' expectations.
- c. Enable customers to exercise choice and control within the community and in their own homes. Customers shall be supported and encouraged to develop the ability to make choices and the understanding of the responsibilities that accompany these choices.
- d. Avoid unnecessary restricting of a customers' independence to act or care for themselves in all areas of life (physical, social, and emotional) whilst ensuring that all proper support and care is given.
- e. Be sensitive, appropriate, and designed so that it is inclusive of anyone who would be eligible for services.
- f. Meet and respond to changes in local needs and national legislation.
- g. Work with customers, their Social Worker(s), and the Multi-Disciplinary Team to meet their desired outcomes detailed in their individual Care and Support Plans.
- h. Work collaboratively with the Commissioners, Social Workers, Health Professionals and the Multi-Disciplinary Teams and others as defined by the Commissioners from time to time to develop best practice and within this contribute to research projects/initiatives.

2.3 Procurement approach

The tender process was undertaken with Commercial Services in accordance with the Public Contracts Regulations 2015 as amended by the Public Procurement (Amendment etc.) (EU Exit) Regulations 2020 ('Regulations'),

The tender was managed via the Council's web-based e-tendering system, ProContract, with advice from the Council's legal service as needed.

The tender opportunity was advertised on 21/12/2021 through Find a Tender, Contracts Finder, and the Council's e-tendering system (London Tenders Portal).

Prospective providers were advised of the annual indicative contract value (£1.2M); and probable individualised annual care and support hours (36,304 hours) across the three schemes.

Core costs:- All bidders were required to submit total annual core cost (staff and non-staffing costs) based on residents' needs, which were specified in the specification.

Individualised care and support costs:- All bidders were required to submit total annual individualised care and support cost based on specified annual indicative individualised care and support hours (36,304 hrs) and their proposed hourly rate. They were also made aware that the successful bidder would be required to pay their carers at least a London Living Wage rate.

Future price uplifts

Core costs:- All bidders were made aware that the price will be fixed for one year from the contract start date and then increased by percentage year on year change in Consumer Price Index (CPI) for the month of September preceding the anniversary.

Individualised care and support costs:- All bidders were made aware that the price will be fixed for one year from the contract start date and then increased by percentage year on year change in London Living Wage (LLW) for the financial year of the anniversary.

2.4 TUPE

All bidders were advised by the Council that the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE") and/or Property lease/rental agreement might apply to this contract. It was however made clear in the invitation to tender that it would be up to bidders to make their own judgement on the potential implications of TUPE and/or Property lease rental agreement and factor it into their bid accordingly.

2.5 Tender evaluation

All bidders were advised in the tender documents provided that the award of any contract would be in accordance with the evaluation criteria specified in the tender documents. The Contract would be awarded on the basis of the offer that is the most economically advantageous to the Authority. The Award Criteria was as follows:

- 44% Quality
- 6% Social Value
- 50% Cost

A total of 22 bids were received. These were evaluated and moderated in accordance with the tender documents and as shown in Part B.

2.6 Evaluation Panel

An Evaluation Panel was established consisting of:

- Lead Contract Monitoring Officer (ASC)
- Brokerage Officer (ASC)
- Commissioning Manager (ASC)
- Commissioning Officer (ASC)
- Moderator: Category Advisor (Commercial Services)

2.7 Quality Evaluation (Method Statements)

During the period 2nd February 2022 and 23rd February 2022 the Evaluation Panel assessed each tender against pre-set evaluation criteria (please refer to Part B: Appendix 1). For details of Moderated scores, please refer to Part B.

3 ALTERNATIVE OPTIONS

3.1 The following alternative options were considered:

3.1.1 Cease to provide a service at all:- The Council has a statutory duty under the Care Act 2014 to provide a service to those assessed to have a need. Therefore, this is not a feasible option as a key objective of both the Council is to encourage and assist all vulnerable adults who meet the Council's assessment criteria to live independently and stay healthy within their own homes. The absence of this service would accelerate the need for customers to be moved into setting of residential care and as a result, would compromise their quality of life and independence.

3.1.2 Extend existing contract:- Current service arrangements are being spot purchased. However, the block model which requires the Council to pay for voids is not value for money.

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1 The following key stakeholders were consulted/provided feedback

Supported Living Providers

Residents

ASC Social Care Commissioning Team

South West London Legal Partnership (SLLP)

Procurement Board

Departmental Finance

Commercial Services

5 TIMETABLE

Stage / Activity	Dates
OPG Meeting	06/04/22
DMT Meeting	12/05/22
Procurement Board Meeting	17/05/22
CMT Meeting	31/05/22
LSG Meeting	13/06/22
Cabinet Meeting	27/06/22
Democratic Services	28/06/22 – 07/07/22
Notify bidders of outcome	11/07/22
Standstill period	12/07/22 – 22/07/22
Contracts award	25/07/22
Mobilisation (Lead in period)	26/07/22 – 31/10/22
Contract Start Date	01/11/22

- 5.1 Following award of the contract, the Council will agree with the successful bidder the mobilisation and implementation plan submitted to ensure that the new service commences on 1st November 2022.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

Details of financial implications can be found in Part B.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1 The services have been procured in a compliant process under the Light Touch Regime and in compliance with CSO 19.
- 7.2 In accordance with CSO 19.2.4 once awarded the contact must be entered on both the Contracts register and Contracts Finder.

- 7.3 The recommendation to delegate the decision to extend by two years is permitted under CSO 27 provided that the contract terms contain the provision for the extension within the contract terms.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1 The tender documentation submitted by all selected bidders was assessed against criteria developed to comply with current equalities, diversity and human rights legislation as well as Council Policy with regard to equalities, diversity and human rights.
- 8.2 The successful bidder confirms that they would be able to meet these requirements.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1 There are no specific implications affecting this tender.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1 All organisations that are awarded contracts must have a Health and Safety policy that compliments the Council's corporate procedures for effective health and safety and risk management. Tender documentation submitted by all bidders was assessed against criteria developed by the Council's Health and Safety and Emergency Planning Manager to ensure that any bidder who is awarded a contract complies with all statutory regulations in all matters related to the service.
- 10.2 The Council will ensure compliance to the contract specification and contract standards through the use of a robust monitoring procedure that will be developed for this service. This will use at least the following methods:
- The Provider is responsible for managing its performance and for collating all performance data at the required level of frequency as set out in the service specification, which will form part of any monitoring requirements.
 - The Provider must submit the required contract monitoring data (Key Performance Indicators) on a quarterly basis. The quarterly monitoring report will be followed up by a service review meeting, initially on a quarterly basis, but which may also be held at other times as appropriate, and may be initiated by either the commissioners or the provider. If a provider is failing to deliver the service as set out in the contract, the

Contract Monitoring Officer may choose to meet with the provider more frequently and the provider will be required to facilitate this.

- The Authority will carry out quarterly and annual contract management meetings. Contract monitoring may involve analysing Key Performance Indicators and documentation relating to customers and other stakeholders, staff files, insurance documents and any other relevant paperwork.
- The Provider is required to capture data that evidence that the service is delivered in a way that reflects the diversity of the London Borough of Merton's population, and the service is accessible to all who need it.
- The Provider shall inform the Authority when any serious service complaint arises or in the event of any serious incident which may impact on the service. Complaint investigation responses from the provider will be reviewed at contract monitoring meetings.
- The provider must ensure that the views of individuals and stakeholders are routinely sought, collated, evaluated and utilised to support service delivery / development. The outcomes of such feedback must be routinely made available to the Authority.
- The Authority will work with the Provider to develop performance levels that challenge but are achievable and measurable from time to time as may be required to effectively manage performance.

11 APPENDICES - THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- None

12 BACKGROUND PAPERS

12.1 The Council's Contract Standing Orders

12.2 The Council's Procurement Strategy