

MUNICIPAL YEAR 2018/2019 REPORT NO.

**PORTFOLIO DECISION OF:
DIRECTOR OF ADULT SOCIAL
CARE**

**CABINET MEMBER FOR ADULT
SERVICES, CARE AND HEALTH**

Key Decision: KD 4572

**REPORT OF: Doug Wilson,
Head of Strategy and Service
Development**

Agenda – Part: 1

Item:

**Subject: Tender award for provision of
Housing Related Support, floating support
services.**

Wards: All

**Cabinet Member consulted:
Cllr Alev Cazimoglu**

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1. EXECUTIVE SUMMARY

- 1.1 This report provides background information to the retender of Housing Related floating support services for vulnerable adults.
- 1.2 The Council has a duty under section 1 of the Care Act 2014 to promote individuals' wellbeing, including social and economic wellbeing.
- 1.3 This Key Decision report seeks approval to award a contract to the successful bidder following a two-stage competitive procurement process as detailed in Part 2 of this report.

2. RECOMMENDATIONS

- 2.1 That approval is granted to award the contract to the bidder as specified in Part 2 of this report for a period of 36 months (2018 to 2021), with an option to extend for a further two consecutive 24 months (total 48 months extension: 2021- 2023 and 2023 to 2025, subject to satisfactory performance in accordance with the contract).
- 2.2 Further information, the quality scores and financial information can be found in part 2 of this report.

3. BACKGROUND

- 3.1 As part of the savings identified in the Medium Term Financial Plan and ratified by Cabinet in the February 2017 budget report; a strategic commissioning approach was agreed to identify efficiencies in the 'Housing Related Support' - floating support services.
- 3.2 The floating support service is a low level preventative service, supporting people who have progressed along their recovery pathway and no longer need more intensive support arrangements. Housing Related Support helps people to access and maintain accommodation, provides financial and budgetary support and assists in keeping people connected to their communities.
- 3.3 A floating support service assists service users who require support to overcome a particular problem in their lives, prevent a lapse/relapse into crisis, maintain independence and prevent homelessness.
- 3.4 Floating support is not a long term support service. It forms part of the preventative agenda; intervening and supporting vulnerable people through difficult periods in their lives. There is no defined period for support for individuals but generally people receive this kind of support for approximately two to three months. However, there are certain people with significant disabilities, for example learning disabilities, who will continue to receive this kind of service for considerably longer.
- 3.5 Floating and low level support has historically been delivered by a range of service providers across the various client groups. A commissioning decision was made to amalgamate the services to deliver efficiencies through economies of scale. Details of the existing services can be found in part 2 of this report.
- 3.6 The new tender proposal delivers the same hourly volumes of support as currently delivered across the existing services and providers. Details of this can be found in part 2 of this report.
- 3.7 Agreement to go to tender was signed under an Operational Delegated Authority Report, Key Decision 4192; by the Executive Director of Health, Housing and Adult Social Care on the 7th July 2017.
- 3.8 A two stage competitive tender process was undertaken using the Council's electronic tendering system (www.londontenders.org).
- 3.9 In November a tendering process was completed and the potential provider recommended for contract award. Prior to awarding the contract the provider withdrew. Various options were discussed however returning to the market with an enhanced budget envelope was agreed by the Procurement Board as the most suitable approach in ensuring that a quality service could be secured.

- 3.10 Since January a second tender exercise has been run. The outcome of this tender process, including quality scores and financials can be found in Part 2 of this report.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Consideration was given to the total decommissioning of all non-statutory, low level preventative support. This would in turn yield further savings but would mean that vulnerable people may end up entering statutory service at a point of crisis rather than being assisted earlier through a support plan of prevention.
- 4.2 Total removal of floating support would also impact upon the work being undertaken by Enfield in implementing a plan in accordance with the Homelessness Reduction Act 2017.

5. REASONS FOR RECOMMENDATIONS

- 5.1 This new innovative approach is aimed at improving the outcomes for people that need support to live in the community independently. The new model will also ensure that the Council provides much needed services within its restricted budget.

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 Financial Implications

See part 2 of this report

6.2 Legal Implications

- 6.2.1 The Council has a duty under s.1 Care Act 2014 ('Care Act') to promote individuals' wellbeing (as defined in the Care Act). The Council has a further duty under s.2 Care Act to provide or arrange for the provision of services, facilities or resources, or take other steps, which it considers will contribute towards preventing, delaying or reducing the development by adults and carers in its area of needs for care and support.
- 6.2.2 S.111 Local Government Act 1972 gives a local authority power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.
- 6.2.3 The Council also has a general power of competence under s.1(1) Localism Act 2011 to do anything that individuals may do, provided it is not prohibited by legislation and subject to Public Law principles. The recommendations in this report are in

accordance with these powers and will enable the Council to fulfil its duties under the Care Act.

- 6.2.4 The Council's Constitution, in particular the Contract Procedure Rules ('CPRs') permit the Council to conduct a competitive procurement process (CPR 8.1). The Council has procured the services outlined in this report via a competitive procedure.
- 6.2.5 In accordance with CPR 19.2.2, the Council must comply with its obligations regarding obtaining best value in accordance with the Local Government (Best Value Principles) Act 1999. The Council must keep a clear audit trail of its decision to award the services to Contractor A, in order to demonstrate that best value has been and will continue to be obtained for the Council.
- 6.2.6 The Council must comply with its Constitution, CPRs and as the contract value exceeds the relevant EU Threshold, it must also comply with the Public Contracts Regulations 2015 ('PCRs'). The contract has been tendered in accordance with the PCRs and therefore cannot come into force until the appropriate authority report has been signed off and the call-in period in accordance with the Council's Constitution has expired. Furthermore, the contract can only come into force once the mandatory "standstill" period, of at least 10 calendar days has elapsed from the date of notifying tenderers, in writing, of the contract award decision.
- 6.2.7 Pursuant to CPR 21, for every contract exceeding £250,000.00, the Council is required to obtain a performance bond or a parent company guarantee except where the relevant Service Director and the Director of Finance, Resources & Customer Services consider this to be unnecessary. In accordance with the invitation to tender documentation, the Council may request sufficient security (e.g. a parent company guarantee / financial bond) for due performance of the contract in a form which is acceptable to the Council, acting reasonably.
- 6.2.8 As the entire contract value exceeds £250,000.00 this is a Key Decision and the Council must comply with its Key Decision and any other relevant governance procedure.
- 6.2.9 All legal agreements arising from the matters described in this report must be approved in advance of contract commencement by the Assistant Director of Legal & Governance Services so as to best protect the Council's commercial contracting position.

6.3 Property Implications

6.3.1 No property implications have been identified.

6.4 Procurement Implications

6.4.1 This procurement has followed a restricted competitive procurement process conducted in accordance with The Public Contracts Directive 2014/24/EC, as implemented by the 2015 Regulations.

6.4.2 Procurement and Commissioning Hub must ensure that a parent company guarantee and a performance bond or other suitable security(s) are sought from the ultimate parent company in respect of the obligations under the Contract as part of the execution of the contract.

7 KEY RISKS

7.1. See part 2 of this report.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

This service provides independent living for vulnerable people with a range of conditions and disabilities. It prevents people reaching crisis, ensuring their safety and promoting their well-being.

8.2 Growth and Sustainability

The service is designed to maintain service users' independence for as long as possible, preventing service users having to enter crisis services.

8.3 Strong Communities

Service users can maintain their independence within the wider community, maintaining their tenancies and helping be supported through neighbourhood/ community disputes.

9 EQUALITIES IMPACT IMPLICATIONS

An assessment has been undertaken that acknowledges that the change in service will be across a range of vulnerable client groups and that through monitoring of quality and performance the incoming provider will be able to respond and address any impacts.

10 PERFORMANCE MANAGEMENT IMPLICATIONS

The contract and service utilisation is regularly monitored. Preventative services such as this can be seen as a cost avoidance

RESTRICTED

and demand management service, in that they prevent individuals entering into our statutory services which have a greater resource impact.

11 HEALTH AND SAFETY IMPLICATIONS

No Health & Safety implications have been identified.

12 HUMAN RESOURCES IMPLICATIONS

None. Enfield Council will not employ the staff.

13 PUBLIC HEALTH IMPLICATIONS

No Public Health implications have been identified.

Background Papers

None