

Report for: Cabinet 21 January 2020

Title: Award of contract for the provision of Positive Behaviour Support Service – Linden House

Report authorised by: Charlotte Pomery, Assistant Director Commissioning

Lead Officer: Farzad Fazilat, Commissioning Manager
0208 489 3542
Farzad.Fazilat@haringey.gov.uk

Ward(s) affected: All

**Report for Key/
Non-Key Decision:** Key Decision

1 Describe the issue under consideration

- 1.1 This report details the outcome of a mini-competition process conducted under the Council's Positive Behaviour Support (PBS) Services Framework Agreement and seeks approval to award a 'Call-Off' contract to the successful tenderer in accordance with the Contract Standing Order (CSO) 9.07.1 (d).
- 1.2 The successful provider is a Voluntary Sector provider who will deliver the PBS Services to up to four (4) service users living at Linden House. The provider will be expected to provide care and support as defined by the needs of individual service users and be responsible for the Health & Safety of the building.
- 1.3 Using Linden House as an office base, the provider shall also provide the PBS intervention in a community setting or at the service users family home to up to 8 service users (4 service users age 18+ and 4 young people between the ages of 16- 18 years but may also include people age 14- 16 years). The PBS interventions is intended to reduce and /or prevent escalation of needs and will enable service users to continue to live independently in a community setting or family home.
- 1.4 Subject to approval, the 'Call-Off' contract shall be awarded for a period of (4) four years with an option to extend for further period/periods of up to 12 months, commencing from 1st April 2020 to 31st March 2025 (if extended) at the maximum cost of £7,000,000 inclusive of London Living Wage (LLW). The breakdown of cost is described in Appendix 2 - Part B (exempt information) of this report.

2 Cabinet Member Introduction

2.1 I am delighted to present this report, which marks the closing phase of the project to bring Linden House back into use. This project offers four Haringey residents with very complex needs the opportunity to live as independently as possible in a building designed to meet their needs with a service which will be flexed as required.

2.2 Whilst building works on the premises continue apace, there has been a focus on working with the 4 identified residents and their families to support them to make a successful transition to their new homes. The award of contract to the successful bidder will make this transition a reality over the coming weeks.

3 Recommendations

3.1 That Cabinet approves the award of a 'Call-Off' contract to deliver PBS Service to successful tenderer (identified in the exempt report) for a period of (4) four years with an option to extend for further period/periods of up to 12 months years, commencing from 1st April 2020 to at the maximum cost of £7,000,000 (inclusive of LLW).

3.2 To approve variation of hourly rate increase for PBS Keyworker to bring in line with LLW inclusive rates. The current and new proposed hourly rates are set out in Appendix 2 - Part B (exempt information) of this report.

4 Reasons for decision

4.1 All five framework participants were invited to tender. The tenderers' proposals were evaluated using a 50% quality and 50% price weighting and, on this basis, the recommended Provider is deemed to be the most economically advantageous tender representing the best value option to deliver the required service.

5 Alternative options considered

5.1 An option not to proceed was considered but rejected on the grounds that there is a pressing need for local provision for this cohort of vulnerable people.

5.2 The needs of the people who will live at Linden Road are highly complex and they will each have spent considerable periods of time in long stay Assessment and Treatment Units in hospitals. In light of this, the future care and support offer must be able to meet their individual needs and to respond to their highly challenging and individualised behaviours. Positive Behaviour Support (PBS) is a person-centred approach to supporting people who display or are at risk of displaying behaviours which challenge. It involves understanding the reasons for the behaviour and considering the person as a whole - including their life history, physical health and emotional needs - to implement ways of supporting them. It focuses on creating physical and social environments that are supportive and capable of meeting people's needs, and teaching people new skills to replace the behaviours which challenge. The PBS approach will support service users who present 'challenging behaviours' to live in a community setting. It was felt that using a

PBS model would improve life outcomes for our most highly vulnerable service users with Learning Disabilities and autism, those who display behaviour that challenges and those with mental health condition

- 5.3 It was considered that there are two options for delivering this specialist provision: a PBS provider from the Council's existing framework or an in-house service, also delivering to a PBS model.
- 5.4 An options appraisal was completed to consider how best the service should be provided. It was recognised that in-house services can give the Council greater control over the care that is provided, delivering improvements, minimising risks and balancing cost and quality requirements against the available budget (although quality is not necessarily guaranteed through an in-house model). However, the Council has no recent track record in delivering this type of service successfully and it was also recognised that transitioning this cohort of service users to Linden House will be challenging especially for those who have been inpatients in an acute setting for a long period of time.
- 5.5 Seeking the delivery through the Positive Behaviour Support Framework from an external provider was selected as the optimal way to meet the needs of this cohort both at the outset and over time as it allows for a high level of care (with high staff numbers) when service users first move into Linden Road and start to deal with the new and different environment of a supported living setting.
- 5.6 The Positive Behaviour Support model gives the flexibility to step down service users package of care over time. The payment model for a PBS provider on the Framework is outcomes related; 80% of flat weekly fee will be paid monthly in arrears based on sustainment of placement and remaining 20% of flat weekly fee will be paid pro-rata, quarterly in arrears linked to delivery of basket of outcomes. When services are sourced using the PBS Framework agreement, 15% of the Care and Support costs will be paid by the Big Lottery, Commissioning Better Outcomes Fund.
- 5.7 The PBS model will be delivered by a highly skilled workforce and it is built in through the contract that Haringey staff will benefit from direct input to their skills development. This will include training, sharing of best practice, shadowing both management and practice and building strategies and skills to deliver this model of care and support. Such an approach is aimed at ensuring that Haringey's directly employed staff are in a better position to carry out such specialist and highly challenging work in the future.
- 5.8 The opportunity to pass on and develop in-house skills is reflected in the approach undertaken here to commission this service for a fixed period, when it is planned that users will enjoy Linden Road as their home for the rest of their lives and will therefore have care and support needs too for their lifetimes. This supports the option for an in-house service to be developed.

6 Background information

- 6.1 There is a shortage of a specialist skilled and experienced service providers and adapted supported accommodation in the borough to support most highly vulnerable social care service users. These are mainly adults and young people with complex needs (including learning disabilities and/or autism), those who display behaviour that challenges and those with mental health conditions.
- 6.2 To address the gap in service provision for these service users, in 2017 the Council undertook a competitive procurement process and appointed 5 providers onto a Framework Agreement to deliver the evidence based PBS intervention in a community setting with the intention of preventing traditionally poorer quality of life outcomes particularly for Children and Adults with Learning Disabilities. However due to lack of accommodation, the Providers were unable to deliver the service.
- 6.3 In order to meet the service users' needs of suitable accommodation, the Council is currently in the process of converting the Linden House (formerly the Council run 8-bedded residential unit) to 4 self-contained, fully adapted supported living units for clients with complex health and care needs i.e. a learning disability and/or autism challenging behaviour, long stay hospital inpatients and Transforming Care cohort, to live more independently in the community.
- 6.4 The proposed contract award represents an opportunity for a PBS provider to create a physical and social environment that is supportive and capable of meeting needs of this cohort of service users' and teaching them new skills to replace the behaviours which challenge.
- 6.5 **Procurement Process:**
- 6.5.1 All five framework providers were invited to submit a proposal in response to an Invitation to Tender (ITT) using the Corporate Sourcing Solution (Haringey Procurement and Contract System - HPCS).
- 6.5.2 By the deadline of the 29th October 2019, two tenderers submitted their bids. Both tenders were assessed against the Council's pre-stipulated evaluation criteria using a weighting of 50% quality and 50% price.
- 6.5.3 The Qualitative Delivery Proposals (QDPs) were independently evaluated against pre-determined scoring criteria by a Panel of three assessors, comprising Commissioning & Quality Assurance Officers and Lead Clinical Psychologist. The final consensus scores agreed by the Panel are summarised in section 6.5.5 of this report.
- 6.5.4 In order to ensure all tenders considered meet an acceptable quality standard, the tenderers were required to score a minimum of 250 points (50% of the total scores allocated to QDPs) to pass the quality evaluation. Both tenders met the minimum requirements and have passed the quality evaluation.
- 6.5.5 The Quality and Price scores are added together to determine a Most Economically Advantageous Tender. The table below summarises the

outcome of the tender evaluation and breakdown of quality and price scores achieved by each tenderer:

Tenderer	Quality Scores (out of 500 points)	Price Scores (out of 500 points)	Total scores (out of 1000 points)	Rank
Successful Tenderer A	438	500	938	1
Tenderer B	356	356	712	2

Further information about the tender evaluation is contained in Appendix 2 - Part B (exempt information) of this report.

6.5.6 Quality and cost queries addressed through the clarification process with the provider have been satisfied.

6.5.7 The successful tenderer A scored the highest with a total of 93.8%, ranking first for both; price and quality and is therefore the recommended to award the contract.

6.6 In November 2018, Haringey Council became a fully accredited London Living Wage (LLW) borough and is committed to work with our suppliers and partners to encourage them to pay the LLW too.

6.7 The framework agreement was awarded in 2017 and hourly rates set out within were fixed for the first 3 years of the contract period. Due to LLW inflationary increase during the first 2 years of contract period, the PBS Keyworkers' hourly rates are no longer in line with the LLW.

6.8 During the procurement process, the tenderers have had raised a concern that the current hourly rates for Keyworkers are not in line with LLW and they will find difficulties in recruiting the suitable staff for this cohort of service users.

6.9 The Council has sought two different cost proposals from the Tenderers as part of their tender submissions – a cost based on application of the LLW and a cost based on non- application. Tenderers submitted weekly cost for each service user inclusive and exclusive of LLW are included in Appendix 2 - Part B (exempt information) of this report.

6.10 **Transition and Contract Management**

6.10.1 Subject to approval being granted, the Service Provider shall carry out pre-mobilisation activities between February to March 2020 with an aim to commence the service delivery in April 2020, when the accommodation will be available for service users to move in.

6.10.2 Contract management will be incorporated into the Contract. Key Performance Indicators and methods of measurement are integrated within the service specification and will be monitored through contract monitoring meetings and reports. Monitoring meetings will be held monthly for the first

six months and quarterly thereafter. The purpose of monthly monitoring meetings will be to examine the implementation of the service. The provider will be required to make available evidence and other necessary information as requested by the Council to enable effective monitoring of the service at an operational level and to foster partnership working to facilitate early resolution of issues that may arise.

7 Contribution to strategic outcomes

7.1 This project proposal helps to support the Priority 2 outcomes as outlined in the Borough Plan 2019 – 2023.

8 Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

8.1 Finance

8.1.1 This report is seeking to award a contract to Tenderer A from the PBS framework for provision of supported living for 4 clients at Linden House and positive behavioural support to circa 8 clients in community or family settings. The contract will be a call off contract initially for 4 years with the provision to extend the contract for 1 year. The total value of the proposed contract award is £7,000,000 for the maximum five-year term.

8.1.2 Insourcing of this service has been considered and it was concluded that procuring via the PBS framework would provide access to specialist service providers with resilience of service provision. Additionally, the 15% claimable from the Big Lottery Fund contributed to PBS framework being the most economical way of delivering the service.

8.1.3 The procurement route followed and outlined in section 6 sought tenders from a pre-tendered framework. The tender from the framework has ensured that the best possible price has been obtained from a specialised area of service. Tenderer A scored the highest in both quality and price and so award of the contract to Tenderer A demonstrates value for money.

8.1.4 The provision of this service is part of the overall strategy for delivering places within the borough for clients with complex needs. The contract award supports existing MTFS savings plans for Step Down and Supported Accommodation within Adult Social Care.

8.1.5 The costs of awarding this contract can be met from existing agreed budgets.

8.2 Procurement

8.2.1 The provision of care and support is within the ambit of the Light Touch Regime or Schedule 3 of the Public Contracts Regulations 2015.

8.2.2 The framework agreement from which this call off was made was advertised as required in the Official Journal of the European Union and compliantly let in January 2018 until 2022. The advert also explicitly noted that call offs under the framework may exceed its duration.

- 8.2.3 The call off procedure is permitted under the Regulations and in compliance with Contract Standing Orders and the Procurement Code of Practice.
- 8.2.4 All suppliers on the framework were invited to bid for the services available and tenders were evaluated, as outlined in instructions to tender documents; the most economically advantageous bid has been selected for award.
- 8.2.5 The prices submitted represent, best value and a reduction in present costs from £1.1m to £1m pa or approximately 11% and also aligns with the Council's current fair wage policy.
- 8.2.6 During the life of the contract commissioning will closely monitor service delivery to ensure key performance indicators are met, outcomes delivered and partnership working fostered to encourage information sharing, and best practise.

8.3 **Legal**

- 8.3.1 The Assistant Director of Corporate Governance notes the content of the report.
- 8.3.2 The contract which this report relates was procured through the Council's Positive Behaviour Support (PBS) Services Framework Agreement established in accordance with EU procurement legislation.
- 8.3.3 Pursuant CSO 7.01(b) and pursuant to the Regulation 33 of the Public Contracts Regulations 2015, the Council may select one or more Contractors from a Framework established by a public body where the Council has been identified in the OJEU Contract Notice as an approved user. The Framework Agreement from which the Provider was selected was established by the Council.
- 8.3.4 Pursuant to CSO 9.07.1(d), Cabinet may approve the award of a contract if the value of the contract is £500,000 or more and as such Cabinet has power to approve the award of the contract in this Report.
- 8.3.5 The Assistant Director of Corporate Governance sees no legal reasons preventing the approval of the recommendations in the report

8.4 **Equality**

- 8.4.1 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
 - Advance equality of opportunity between people who share those protected characteristics and people who do not;
 - Foster good relations between people who share those characteristics and people who do not.

- 8.4.2 The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.
- 8.4.3 An Equality Impact Assessment has been completed for the proposed Positive Behaviour Support Service Provider to deliver the wrap around support and manage Linden House, is included as Appendix A to this report.
- 8.4.4 Positive Behaviour Support Provider will provide the wrap around support to service users with complex needs from hospital, or acute, assessed to move into Linden House from the Transforming Care Programme. Haringey will have a positive impact on people with disabilities who disproportionately access these services. This is in line with the decision taken by the council back in November 2015 to empower all adults to live healthy, long and fulfilling lives.
- 8.4.5 It is not expected that this decision will have any negative impacts on individuals or groups who share the nine protected characteristics. The decision will make available the right support to enable service users with complex health and care needs to live more independently in the community. This is likely to have a positive impact on individuals with a learning disability, as well as those from ethnic minority groups, who are over-represented among this client group. As such, it is reasonable to anticipate a positive impact on residents with these protected characteristics.

9 Use of Appendices

- 9.1 Appendix A: Equalities Impact Assessment
9.2 Appendix B: Exempt Information (Part B of this report)

10 Local Government (Access to Information) Act 198

- 10.1 This report contains exempt and non-exempt information. Exempt information is contained in the exempt report and is not for publication. The exempt information is identified in the amended schedule 12 A of the Local Government Act 1972 under the following categories:
- (3) information in relation to financial or the business affairs of any particular person (including the authority holding that information); and
 - (5) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

