

ADULT SOCIAL CARE & PUBLIC HEALTH SUB COMMITTEE

AGENDA ITEM 22

Subject:	Supported Living Prior Information Notice and Award		
Date of Meeting:	14th September 2023		
Report of:	Executive Director, Health & Adult Social Care		
Contact Officer:	Name:	Lou Aish	Tel: 07825113911
	Email:	Lou.aish@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

1.1 Brighton & Hove City Council (the 'Council') is facing increased demand for Supported Living services in the city to meet the needs of adults with learning disabilities, including those coming through transition and those with complex needs. As a result of the lack of provision, more individuals are being placed in services out of area, often in high-cost placements, where they may be overprovided for.

1.2 To help address this, Commissioners sought approval to issue Prior Information Notices (PINs) as Calls for Competition to the market to enable us to deliver the services we need.

A report was presented to Adult Social Care & Public Health (ASC&PH) Sub-Committee on 8th November. Following an amendment to the recommendations in the report the Committee reached the following decisions:

(1.3.1) That the Adult Social Care & Public Health (ASCPH) Subcommittee grant delegated authority to the Executive Director of Health & adult Social Care to issue Prior Information Notices to seek expression of interest from providers interested in developing Supported Living services in the city for adults with learning disabilities, subject to the below recommendations;

(1.3.2) That the ASCPH Sub Committee requests a report to come to procurement Advisory Board before the Prior Information Notice is issued to consider and oversee the proposed award criteria; and

(1.3.3) That the ASCPH Sub Committee requests a report to come before the Sub Committee identifying the preferred provider and seeking committee approval.

1.3 A report was presented to the Procurement Advisory Board (PAB) on 13th February 2023. This was to consider and oversee the content of the Prior Information Notice before it is issued, including the proposed award criteria in the event of multiple suitable expressions of interest.

- 1.4 This report relates to recommendation 1.3.3 above to present a report back to the ASCPH Sub Committee identifying the preferred provider and seeking committee approval.

2 RECOMMENDATIONS:

- 2.1 That the Committee notes the outcome of the procurement and agrees that the contract will be awarded to the winning bidder.

3 TENDER PROCESS:

- 3.1 The PIN and subsequent tender process that this report relates to is for the provision of a 3-4person 24 hour supported living service for adults with learning disabilities/autism and complex needs.
- 3.2 A PIN as a Call for Competition was released to the market to ask for expressions of interest to develop a 3-4 person supported living service. The service is to comprise of 3 to 4 individual units of accommodation, based upon a person-centred capable environment model designed to meet the needs of individuals who can present with behaviours that can challenge others.
- 3.3 There were multiple suitable expressions of interest to the PIN and a competitive process was undertaken between providers who had expressed an interest.
- 3.4 Of those Providers who initially expressed an interest, 4 Providers submitted a tender bid.
- 3.5 The tender comprised of quality questions and a pricing schedule. The weighting was based upon 60% Quality, 40% Price. Price were submitted via a cost template. Quality was assessed via method statement questions assessing proposals in the following areas:

Quality Criteria	Sub- weighting
Mobilisation	30
Delivery of the Service	30
Management of the Service and Business Continuity	30
Social Value and Co-Production	10
TOTAL	100

4 TENDER OUTCOME:

- 4.1 From the 4 bids received, a successful bidder has been identified. They do not currently have services in the city but has considerable experience delivering this type of provision.
- 4.2 All panel members scored their quality questions the highest. Their hourly rate was the highest of all the bids but benchmarks with hourly rates for this type of specialist provision. With the quality/cost % calculation their bid remained the highest score and winner of the tender.

5 ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 5.1 Do nothing. The risk of this course of action is the loss of a much-needed service development in the city to meet the needs of Adults with Learning Disabilities, and the loss of a new quality Provider coming into the market.
- 5.2 This would risk more individuals being placed out of city, with the reduced level of oversight through the learning disability assessment team and commissioning team that this brings.
- 5.3 It also risks a greater chance of placement breakdown and of hospital admission as needs and outcomes aren't met.
- 5.4 Sourcing out of area placements is also immensely time consuming, putting additional resources that are already stretched.
- 5.5 It is not open to the Committee to award the contract to another supplier as this would amount to a breach of the Public Contracts Regulations 2015. If the Committee decided not to award the contract to the winning bidder, the Council could abandon the procurement. The risks of this option are set out in the legal implications.

6 COMMUNITY ENGAGEMENT & CONSULTATION

- 6.1 Consultation and engagement is undertaken through a number of areas including; consultation with a range of internal and external stakeholders as part of the new contracting arrangements that are being developed. This also included a review of wider engagement feedback and previous engagement with service users and families as part of the development of the city's adult learning disability strategy. The Council also holds a Learning Disability Provider Forum, a Positive Behaviour Support network and a Learning Disability Partnership Board.

7 CONCLUSION

- 7.1 The Care Act 2014 introduced duties on the local authority to shape and engage with the market to ensure there is a range of diverse and quality service provision that meets local demands and the preferences of those wanting to access services.

- 7.2 Commissioning of new services plays an integral role in meeting these duties and the needs of adults with learning disabilities and their families.
- 7.3 Given the current challenges in the market for social care providers, having 4 bids was a very positive response to the tender. All 4 bids were from Providers who do not currently have services in the city, this demonstrates the need to bring in new Providers into the city to support service development.
- 7.4 Through their bid the successful provider demonstrated the quality of provision they can provide. It is a new provider to the city with significant experience in other local authority areas.
- 7.5 Committee approval of the tender outcome will ensure that we continue to ensure we meet the needs of adults with learning disabilities in the city for those with complex needs. This supports the prevent of hospital admission, reduces the number of people placed out of area away from family and support networks and enables individuals to live happy fulfilling lives.

8. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 8.1 The budgets for adults with learning disabilities are under increased pressure for a variety of reasons including rising demand, increasing complexity and recruitment and retention issues. It is becoming increasingly difficult to procure good value supported living placements which is adding to cost pressures. There is no specific financial data included in the body of this report, however if the introduction of Prior Information Notices and the subsequent tender process has provided the council with additional means of managing and accessing the local market this should help achieve best value in terms of future placement costs.

Finance Officer Consulted: Sophie Warburton

Date: 14/08/23

Legal Implications:

- 8.2 The Council must comply with the Public Contracts Regulations 2015 in relation to the procurement and award of contracts above the relevant financial threshold. The services outlined in this report fall within Schedule 3 of the Public Contracts Regulations 2015 and exceed the relevant financial threshold for light touch regime services (£663,540 inclusive of VAT). As set out in the body of the report it would not be compliant with the regulations to award the contract to any supplier other than the successful bidder
- 8.2 Although a right to abandon (halt) a procurement is not expressly provided in the Regulations, it is implicit from the requirement to notify tenderers of a decision to abandon a procurement (Reg 55) that it is permissible. There

have been a number of cases where challenges have been brought to decisions to abandon and it is clear that the decision to abandon must be rational and proportionate. There is therefore a risk of legal challenge if the decision is taken to abandon the procurement. The risk that the challenge is successful will depend on the reasons given for that decision.

Lawyer Consulted: Alice Rowland Date:

Date 14/8/23

Equalities Implications:

An Equalities Impact Assessment (EIA) for Supported Living services has recently been completed and signed off for the new Supported Living Framework recommission.

This EIA recognises the need to commission person-centred, high quality supported living services, that can demonstrate an ability to:

- encourage independence with the appropriate support to achieve this
- support young people as they come into the supported living service, who may be leaving home for the first time
- support people to remain in Supported Living for as long as possible.
- meet the needs of older residents whose needs may have changed and who may need support to transition into residential care
- support age-related health needs of people with learning disabilities, including supporting those with dementia
- include in the service specification that providers are to meet the REACH standards, which include supporting people to live with their peer age group

Developing local services will help people to stay locally, by guaranteeing that services are available. Being placed out of city can be detrimental for the individual concerned, due to being separated from friends and family, and from communities they are familiar with.

Sustainability Implications:

None

Brexit Implications:

Brexit has had a further impact on workforce pressures across Social Care and as such this will need to be considered when entering into any contracts as a result of this process.

Crime & Disorder Implications:

None.

Risk and Opportunity Management Implications:

None

Public Health Implications:

None.

Corporate / Citywide Implications: