

## CABINET

23 April 2019

<b>Title:</b> Contract for Generic Advice and Enhanced Welfare Rights Service	
<b>Report of the Cabinet Member for Social Care and Health Integration</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> All	<b>Key Decision:</b> No
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<b>Accountable Director:</b> Mark Tyson, Commissioning Director; Adults Care and Support / Mark Fowler, Director of Community Solutions	
<b>Accountable Strategic Leadership Directors:</b> Elaine Allegretti, Director of People and Resilience / Tom Hook, Director of Policy and Participation	
<b>Summary:</b> <p>Section 4 of the Care Act 2014, places statutory duties on the local authority to establish and maintain an information and advice service. Importantly, this duty relates to the whole population of the local authority area, not just those with care and support needs or in some other way already known within the system. The Council currently commissions a Generic Advice and Enhanced Welfare Rights Service, delivered by the Citizens Advice Bureau. The current contract expires on 30 September 2019 dates with no further option to extend.</p> <p>The Council must ensure that information and advice services cover more than just basic information about care and support and include the wide range of care and support related areas including prevention of care and support needs, finances, health, housing, employment and what to do in cases of abuse or neglect of an adult.</p> <p>This report presents proposals for a competitive tender process for a Generic Advice and Enhanced Welfare Rights Service which meets statutory duties, complements the Community Solutions Lifecycle Model and aligns with the Council's vision by promoting wellbeing and independence at all stages to reduce the risk of people reaching a crisis point. Consortium bids will be welcomed facilitated through a Lead Provider Model.</p> <p>The current contract does not permit any further options to extend. To ensure service continuity during the procurement process, it is also proposed to directly award a six-month contract to the current provider from 01 October 2019 to 31 March 2020.</p>	
<b>Recommendation(s)</b>  The Cabinet is recommended to:	

- (i) Agree the procurement of a contract for a strategic partner to provide a Generic Advice and Enhanced Welfare Rights Service commencing 1 April 2020, in accordance with the strategy set out in the report;
- (ii) Approve the direct award of a six-month contract commencing 1 October 2019 to the current service provider, the Citizen's Advice Bureau; and
- (iii) Authorise the Director of People and Resilience, in consultation with Cabinet Member for Social Care and Health Integration, the Director of Law and Governance and the Chief Operating Officer, to conduct the procurement and award and enter into the contract(s) and all other necessary or ancillary agreements including activating extension provisions within the contract with the successful bidder, in accordance with the strategy set out in the report.

**Reason(s)**

To assist the Council in realising its vision of 'No-one left behind' and meet the Council priority of "Empowering People".

## **1. Introduction and Background**

- 1.1 By Minute 65 (19 December 2012), the Cabinet agreed to the procurement of the Generic Advice, Hate Crime and Hate Incident Reporting and Enhanced Welfare Rights Advice service. Following a tender exercise, the contract was awarded to Barking and Dagenham Citizens Advice Bureau for two years commencing on 01 April 2013 with the ability to extend for an additional two years, one year at a time with a final contract end date of 31 March 2017.
- 1.2 Following the exhaustion of all extension options relating to the original contract, a Procurement Strategy and Waiver Report was taken to the Procurement Board on 19 December 2016 gaining approval for the recommendation to waive the requirement to tender in accordance with the Council's Contract Rule 28.5. This facilitated the direct award of a one-year contract to the Citizens Advice Bureau for the provision of Generic Advice, Hate Crime and Hate Incident Reporting and Enhanced Welfare Rights Advice Service for the period from 01 April 2017 to 31 March 2018.
- 1.3 At the time this waiver report was being approved, the intention was to utilise the additional year to scope any future generic advice provision to align with and enhance the Community Solutions service offer. Through consultation with Community Solutions, it was subsequently determined that further time was required to enable a comprehensive service scoping exercise to be undertaken on which a future commissioning decision could be reliably based.
- 1.4 In view of this, a further paper was taken to Procurement Board on 11 December 2017, seeking approval to waive the requirement to tender in accordance with the Council's Contract Rule 28.5 and directly award a one year contract to the Citizens Advice Bureau for the provision of Generic Advice, Hate Crime and Hate Incident Reporting and Enhanced Welfare Rights Advice Service for the period from 01 April 2018 to 31 March 2019 with the option to extend for a further six months, three

months at a time bringing the contract end date to 30 September 2019. This was recommended for the following reasons:

- Remaining with the current provider was most expedient and provided service continuity for some of our most vulnerable residents at a time when the Council proceeds with the implementation and embedding of Community Solutions.
- The development of the Community Solutions service block required generic advice. Further time and development were required to facilitate a comprehensive service design to be undertaken on which a future commissioning decision can be reliably based. This also enabled the inclusion of operation insight provided by Community Solution following the recent commencement of the service.
- The approach proposed avoided the time implications and disruption to service associated in contracting with a new provider for a short-term contract.

1.5 Following approval of the Procurement Strategy outlined above, a Task and Finish Group was convened with Adults' Care and Support Commissioning and Community Solutions to undertake the redesign of the service which fulfils the statutory duties with regard to the provision of Information and Advice within the context of the Council's transformation programme and evolved service delivery model. This group sought to answer the following key questions:

- What type and scale of service is needed to meet needs of residents and the Council?
- How might a new service differ from what we currently have?
- How do we ensure continuity / consistency of IAG provision?
- Where would a future IAG service be most suitably based?
- How can we ensure IAG services are accessible to all residents?
- When should a service be accessible?
- What are the next steps to delivering a new service?
- Who needs to be involved?

1.6 Concurrently, an Information, Advice and Guidance Working Group has been established by Community Solutions and the Voluntary and Community Sector. The gap analysis conducted through this forum has helped inform the redesign of the Generic Advice and Enhanced Welfare Rights Service to ensure it meets the needs of residents.

1.7 Through the activities undertaken within the task and finish group the recommendation is to conduct a competitive tender process for a service which meets Statutory duties, complements the Community Solutions Lifecycle Model and aligns with the Council's vision by promoting wellbeing and independence at all stages to reduce the risk of people reaching a crisis point. Consortium bids facilitated through a Lead Provider Model will be welcomed if proposed by a bidder.

## **2. Proposed Procurement Strategy**

### **2.1 Outline specification of the works, good or services being procured**

2.1.1 The new contract will enable the Council, in part, to meet its statutory duty around the provision of information and advice within the Care Act 2014. The service will

enable residents to access information, advice and guidance to reduce the effects of social and financial exclusion caused by a broad range of factors including;

- Poverty
- Debt
- Homelessness and the risk of homelessness
- Educational disadvantage
- Family breakdown
- Discrimination
- Illness and disability
- Language barriers

- 2.1.2 This wide-ranging service will enable local residents over the age of 16 to help themselves, whilst ensuring that our most vulnerable residents are supported to access high quality information and advice which can prevent, reduce or delay health and social care needs from developing, along with the associated loss of independence.
- 2.1.3 The provider would be required to offer an Enhanced Complex Case Service to support Community Solutions in addressing the needs of residents in the most challenging of circumstances. This would ensure that a holistic 'wraparound' offer is provided in partnership which aligns with the vision of helping people to help themselves.
- 2.1.4 This service will include the establishment of an all-encompassing Financial IAG offer via the multi-disciplinary Homes and Money Hub and instils the necessary levels of accountability.
- 2.1.5 The Provider would lead on the coordination and training of the wider voluntary and community sector to ensure continuity in the quality and nature of IAG provision which supports a more sustainable model in the longer term.
- 2.1.6 The service would be located at two main 'hub' sites within the borough; Barking Learning Centre and Dagenham Library. The tenure costs associated with these sites would not be borne directly by the Provider and will be provided by the Council as part of the offer.
- 2.1.7 The Provider will deploy the service flexibly across the borough from a range of locations including Childrens' Centres and other community assets informed by need, which will ensure the maximalisation of available resources.
- 2.1.8 The new redesigned service aims to strengthen the interface between the commissioned service and the Council's digital services including alignment with the Customer Access Strategy. This approach will promote self-help and independence. Additionally, a telephone service will be offered for residents who do not need or require a face to face appointment.
- 2.1.9 The service will offer home visits for our most vulnerable residents who meet social care eligibility criteria. The people requiring this service are likely to be subject to the forthcoming changes to benefits and require support through the appeals process which will be within the scope of the service.

2.1.10 The provider will collect and interpret data captured on the underlying cause of issues presented by people accessing the service and will provide mechanisms to measure the impact of the service provided. This will be periodically reviewed as part of the contract monitoring process and fed into the appropriate teams within the council to inform policy and decision making.

## 2.2 **Estimated contract value, including the value of any uplift or extension period**

2.2.1 The cost of the service during the proposed direct award period is £157.5K for six months.

2.2.2 The estimated contract value for the delivery of the retendered service is £1,575,000 (annual value of £315K) which constitutes the following:

- £280,000 from Adults' Care and Support (transferred investment from Adult and Community Services)
- £34,894 from Troubled Families Phase 2 funding to support delivery in Children's Centres

2.2.3 As referenced above, two 'hub' sites will be provided by the council for the delivery of this service (annual value c£50K). These sites would be provided as part of the offer to the Provider, so they would not bear any accommodation costs directly.

## 2.3 **Duration of the contract, including any options for extension**

2.3.1 **Direct award short contract:** Six months for short contract from 01 October 2019 to 31 March 2020 with no option to extend.

2.3.2 **New service to be tendered:** A three-year contract from 1st April 2020 to 31 March 2023 with the option to extend for a further 2-year period on an annual basis to 31 March 2025 (3+1+1) at the sole discretion of the council.

## 2.4 **Is the contract subject to (a) the (EU) Public Contracts Regulations 2015 or (b) Concession Contracts Regulations 2016? If Yes to (a) and contract is for services, are the services for social, health, education or other services subject to the Light Touch Regime**

2.4.1 This procurement is subject to the Public Contracts Regulations 2015 and as a social care service is subject to the Light Touch Regime. However, because the estimated value of the contract is higher than the set threshold (currently EUR750,000), it needs to be opened to competition and be advertised in the Official Journal of the European Union (OJEU) as required by the Regulations.

## 2.5 **Recommended procurement procedure and reasons for the recommendation**

2.5.1 Directly award a six-month contract for the period from 01 October 2019 to 31 March 2020 to the Citizen's Advice Bureau.

2.5.2 A competitive open market tender is proposed to take place to procure a new service and award a contract to commence 1 April 2020 and run to 31 March 2023, with the option to extend for a further 2-year period to 31 March 2025 (3+1+1) at the sole discretion of the council.

2.5.3 The service will be procured in line with the Public Contract Regulations 2015 through a 'light touch regime' and line with the Councils contract rules. The tender opportunity will be advertised in OJEU, on the Council's e-tendering portal (Bravo), Contracts Finder and the Council's website. The process will widen the competition and ensure the Council gets best value for money for this service.

**Procurement and Governance Timetable:**

<b>Activities/ Tasks</b>	<b>Date</b>
Cabinet approval	23 April 2019
Issue ITT	Week commencing 3rd June 2019
Deadline for clarifications	26th July 2019
Return Tenders	2nd August 2019
Tender Evaluation including Moderation meeting and clarification (if required)	5th- 30th August 2019
Prepare contract award report/ get approval	2nd – 18th September 2019
Provisional Award (notify successful/ unsuccessful Tenderer's)	19th September 2019
Standstill period	20th Sept- 1st October 2019
Final award	2nd October 2019
Mobilisation including potential TUPE transfers	3rd October 2019- 31st March 2020
Contract commencement	1st April 2020

**2.6 The contract delivery methodology and documentation to be adopted**

2.6.1 The Council's standard terms and conditions will be used for the delivery of this service. Terms and conditions will also take account of changes in the law, which may be relevant for the work currently being undertaken to introduce new legislation in the form of Universal Credit.

2.6.2 The management responsibility for the contract lies with Adults Care and Support commissioning and the contract will be managed in line with a contract management plan to be set out within the final specification.

2.6.3 Service performance will be monitored through a series of Key Performance Indicators (KPIs) as detailed in the service specification that includes quantitative and qualitative data, service user feedback and activity on outstanding action plans reviewed at quarterly meetings.

## **2.7 Outcomes, savings and efficiencies expected as a consequence of awarding the proposed contract**

2.7.1 The outcome expected as a consequence of awarding the proposed contract is to improve the social, economic and health outcomes of the population across the borough by building an effective, responsive and high quality Generic Advice Service, which effectively meets the needs of our local community and offers a range of high quality information, advice and guidance which will target those most vulnerable in our borough.

2.7.2 The service specification will include the following high-level outcomes:

- Residents are able to access relevant information, advice and support quickly and easily
- Residents are helped to avoid getting into situations in which more intensive third-party action is required
- Residents are equipped to make informed personal choices about how to help themselves
- Residents are accurately referred to available services provided by appropriate staff
- Residents who would be eligible for social care services access appropriate support including welfare rights support and appeals

2.7.3 The service specification will make clear the expectation to include close partnership working with existing services, as part of an effort to focus on resilience building for individuals and their families.

## **2.8 Criteria against which the tenderers are to be selected and contract is to be awarded**

2.8.1 It is proposed that a Quality/Price split of 70/30 is used in the assessment of tenders. For this service, there is a clear need to drive major innovation in quality of services. We are looking for a strategic partner who can adapt quickly to the changing needs in the borough and who have the skills, knowledge and experience to deliver against outcomes.

2.8.2 We require the 70/30 quality/price split in order to ensure good quality tenders. Value for money is clearly important, but in the case of generic advice and enhanced welfare rights leaning too heavily in favour of price leads to non-specialist service providers undercutting specialist providers in the sector, with poorer quality in terms of service delivery.

2.8.3 The scope of the contract will be published beforehand including the minimum requirements, award criteria and their weightings, and this will not be changed during the tender process. The whole process will be managed by corporate procurement and fully documented.

## **2.9 How the procurement will address and implement the Council's Social Value policies**

2.9.1 The Council's social value responsibilities are taken through its vision: One borough; One community; London's growth opportunity.

- 2.9.2 Through the award of the contracts to the providers, the Council will ensure service continuity that meet the needs of the local population, including provision of information, advice and support on a range of issues.
- 2.9.3 Applications would be encouraged from providers able to demonstrate potential to muster additional social value across the council through the development of local employment opportunities as well as training and development of local volunteers and students/trainees.
- 2.9.4 Applications will be encouraged from providers able to demonstrate an ability to meet the Councils strategic aims to protect vulnerable people whilst developing sustaining services and building resilient communities. Those able to demonstrate an ability to interface with other services of a similar nature to resolve the causes and symptoms of referrals would also be welcomed.

## 2.10 **Contract Management methodology to be adopted**

- 2.10.1 The contract will contain specific service requirements and expected outcomes. Key performance indicators will be outlined in the service specification and agreed with the providers. Commissioners will undertake performance management of the service.
- 2.10.2 Contract monitoring meeting will take place each quarter to review performance reports and contribute to the continuous development of the service. In addition, annual reviews will be required to be completed by the provider, to include feedback on contract outcomes.
- 2.10.3 Should the contract be extended at the end of the first three years to continue for a further two, the provider and commissioners will undertake a best value review.

## 3. **Options Appraisal**

- 3.1 Other options considered as an alternative option to the above are as follows:
  - 3.1.1 **Do Nothing** - This option would not be recommended as these services are required to enable social inclusion and equality of opportunity for those with vulnerable backgrounds. There would also be a loss of opportunity to achieve better outcomes for residents across the scope of the service.
  - 3.1.2 **Extend and maintain existing contract arrangements** - The current contract does not permit further options to extend, which would necessitate a need to tender, unless the relating contract rules were waived.

## 4. **Waiver**

- 4.1 Approval is sought to directly award a six-month contract for the period from 01 October 2019 to 31 March 2020 to the Citizen's Advice Bureau whilst a competitive tender exercise is undertaken for the service beyond this period. This would be facilitated by waiving Contract Rule 28.5 requiring a formal procurement process to be followed on the basis of the grounds in rule 6 as identified below. The justification for the waiver is to be judged under the following relevant points of the



Contract Rules: 6.6.8: There are other circumstances which are genuinely exceptional.

4.2 It is recommended that contract rules requiring a competitive tender exercise to be carried out is waived due to exceptional circumstances on the basis that the provider is already engaged in the delivery of the Generic Advice Service and so should be able to ensure continuity of support for those in receipt of the service whilst a competitive tender exercise is undertaken. The justification for this is as follows:

- Additional time is required to develop a revised strategy for the services being provided, including the redesign of a specification which complements the Community Solutions Lifecycle Model and aligns with the Council's vision by promoting wellbeing and independence at all stages to reduce the risk of people reaching a crisis point.
- The full tender exercise being proposed will be conducted in line with the governance process outlined at Section 2.16. The additional time provided through a direct award will accommodate any slippage to this plan and help mitigate associated risks.
- The approach proposed within this document will avoid the time implications and disruption to service associated in contracting with a new provider for just a six-month contract.
- Directly awarding the contract to Citizens Advice Bureau for a further six months rather than running a full tender exercise will prevent the Council from incurring the additional procurement and transition costs twice.

4.3 It is recommended that the no fault termination period for the direct award contract with the current provider be reduced to one month as opposed to the standard three-month period. This will enable the Council to have greater flexibility and will ensure that the additional time is limited to what is necessary, informed by the governance and procurement process, including the facilitation of TUPE transfers as applicable.

## **5. Consultation**

5.1 As part of the need to re-tender Commissioners have reviewed the current service provision and pathways and undertaken analysis of referral activity etc. The council will be providing an open access, universally provided Generic Advice Service that will meet the needs of the population. The service will allow for targeted provision for those parts of the population that have greater or more specific needs.

5.2 The design principles and outline specification are informed by the work which helped shaped the Community Solutions model, combined with insight attained from the VCS through the IAG Working group and from ComSol through the Task and Finish Group. Combining this with the data attained through routine contract monitoring of the current service has helped highlight service gaps and brought a better understanding of the need to ensure the service specification targets provision accordingly.

5.3 The proposals in this report were considered and supported by the Peoples and Resilience Management Group (PRMG) at its meeting on 14 February 2019, as well as the Portfolio Meeting of the Cabinet Member for Social Care and Health

Integration on 19 February 2019, Procurement Board on 19 March 2019 and Corporate Strategy Group on 21 March 2019.

## **6. Corporate Procurement**

Implications completed by: Adebimpe Winjobi, Senior Procurement and Programme Manager

- 6.1 This report seeks authority to waive the requirement to conduct a competitive procurement exercise for the provision of Generic Advice and Enhanced Welfare Rights Advice Service and directly award a six-month contract for the period from 01 October 2019 to 31 March 2020 to the Citizen's Advice Bureau in accordance with Contract Rule 6.6.8 which relates to genuinely exceptional circumstances as set out in this report.
- 6.2 This report is also seeking approval to procure a contract for the provision of the service. The service being procured falls within the description of services covered by the Light Touch Regime under the Public Contracts Regulations 2015. As the estimated value of the contract is higher than the set threshold (currently EUR 750,000), it needs to be opened up to competition and be advertised in the Official Journal of the European Union (OJEU) as required by the Regulations.
- 6.3 In keeping with the EU procurement principles, it is imperative that the contract is tendered in a competitive way and that the process undertaken is transparent, non-discriminatory and ensures the equal treatment of bidders. The proposed procurement route to tender this service via Open Procedure will widen the competition, provide best competition to get best value for money for the Council and will be compliant with the Council's Contract Rules and EU Regulations.
- 6.4 The report gives details of the procurement procedure, evaluation criteria, award criteria and the timetable for the procurement exercise. All the above show evidence of a fair tender exercise, in accordance with the PCR 2015, which must be adhered to in compliance with the Regulation.
- 6.5 Corporate procurement will provide the required support to commissioners throughout the entire process.

## **7. Financial Implications**

Implications completed by: Abdul Kayoum, Finance Business Partner

- 7.1 The value of the contract is £1,575,000 (£315,000 annual value). This will be funded from existing budget provision which already funds the current service delivered by Citizens Advice Bureau. £280,000 from Adults Care Support and £35,000 from Troubled Families Phase 2 funding. There are no further financial implications.

## 8. Legal Implications

Implications completed by: Jonathan Bradshaw, Solicitor.

- 8.1 The proposal appears to satisfy the obligations in the Public Contract Regulations 2015 (Light Touch) and the Council Contract Rules. The result of the procurement exercise should be an economically advantageous arrangement, coupling a good provider with a competitive price.

## 9 Other Implications

- 9.1 **TUPE, other staffing and trade union implications** - Eligible staff currently employed in the service will, in the event of change in service provision, transfer their employment to the new provider under the Transfer of Undertakings (Protection of Employment) Regulations 2014. All TUPE information will be made available as part of the invitation to tender document. Responsibility for assessing TUPE requirements will remain with the bidding providers.
- 9.2 **Corporate Policy and Equality Impact** – The provision of high quality and timely Information, Advice and Guidance underpins a number of key priorities for the council and contributes to several targets in the Borough Manifesto. The Generic Advice and Enhanced Welfare Rights Service can help deliver the ‘Empowering People’ priority set out in the Corporate Plan, by enhancing the inclusion and equality of opportunity for people who are vulnerable due to a wide range of issues covered within the provision of this service. The specification will make clear the need to include resilience building within communities to assist with this focus. The procurement exercise will lead to better services contributing to delivering key outcomes. As such there are no negative impacts on any of the protected characteristics as set out in the Equality Act. Tender applicants will need to evidence the impact of their bid on all protected characteristics and how they plan to monitor and review the impact of service delivery on equality.
- 9.3 **Safeguarding Adults and Children** – The provider must have in place the necessary Safeguarding protocols, in line with Council Policy and must demonstrate a good working knowledge of the Working Together to Safeguard Children 2018 document and the 6 principles of adult safeguarding.
- 9.4 **Health Issues** - The provision of a Generic Advice and Enhanced Welfare Rights services can help improve the effectiveness of treatment and, in some cases, help early intervention or prevent the need for treatment and so ensuring the best use of resources. The proposal is in line with the outcomes and priorities of the joint Health and Wellbeing Strategy. The award of the contract should further enhance the quality of and access to a range of health-related services in the borough. The proposal will have a positive effect on our local community.

### Public Background Papers Used in the Preparation of the Report:

- Equality Impact Assessment  
(<https://modgov.lbbd.gov.uk/Internet/ieListDocuments.aspx?CId=180&MId=10025&Ver=4>)

**List of Appendices:** None