

HEALTH AND WELLBEING BOARD

9 November 2021

Title: Healthwatch Tender	
Report of the Cabinet Member for Social Care and Health Integration	
Open Report	For Decision
Wards Affected: All	Key Decision: Yes
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Accountable Divisional Director: Chris Bush, Commissioning Director for Care and Support	
Accountable Director: Elaine Allegretti, Strategic Director, Children and Adults	
Summary: <p>Local authorities are required to commission a local Healthwatch organisation under the Health and Social Care Act 2012. Healthwatch acts as a consumer champion for users of health and social care services. The purpose is to make sure that people know where to go to raise concerns and obtain information about health and social care services and that people's views and experiences are heard, to improve scrutiny of health and social care services and to help local people to influence commissioning decisions.</p> <p>Healthwatch is a key part of the local health and social care landscape; it has a statutory place on the Health and Wellbeing Board where it can share evidence and feedback on what people think about their health and social care services to system leaders, to ensure that services meet the needs of and are shaped by local communities. It can also enter and view services such as care homes and hospitals, observe what is happening and report back to commissioners. Healthwatch is currently provided by Lifeline, but the contract is due to expire and needs to be recommissioned. The report sets out the reasons behind procuring a new Healthwatch service and the process behind it.</p>	
Recommendation(s) <p>The Health and Wellbeing Board is recommended to:</p> <ul style="list-style-type: none">(i) Agree that the Council proceeds with the procurement of a contract for a local Healthwatch in Barking and Dagenham in accordance with the strategy set out in this report.(ii) Delegate authority to the relevant Chief Officer, in consultation with the relevant Cabinet Member(s), the Strategic Director of Finance and Investment and the Director of Law and Governance, to conduct the procurement and enter into the contract and all other necessary or ancillary agreements with the successful bidder in accordance with the strategy set out in the report.	

Reason(s)

The Health and Social Care Act 2012 established a new consumer champion for users of health and social care services called Healthwatch. Local authorities have been required to commission a local Healthwatch organisation from 1 April 2013.

Providing a local Healthwatch for Barking and Dagenham service will give residents a platform to raise complaints or concerns and to influence and challenge how health and social care is delivered.

Having a local Healthwatch service will support the Corporate Plan (2020-2022) with a number of priorities:

Participation and Engagement - Empowering residents by enabling greater participation in the community and in public services. Their voice will help shape services going forward.

Prevention, Independence and Resilience - Children, families and adults in Barking & Dagenham live safe, happy, healthy and independent lives. Having health and social care services that are fit for purpose will ensure that our residents can be confident that they are receiving the best treatment when they most need it.

1. Introduction and Background

- 1.1 The Health and Social Care Act 2012 established a new consumer champion for users of health and social care services called Healthwatch. This service supports the aim of placing residents at the heart of all health and social care service delivery. Local authorities have been required to commission a local Healthwatch organisation from 1 April 2013.
- 1.2 National guidance specifies the key functions that Healthwatch must deliver; however, leaves the local specification up to local authorities to determine the best model to meet the needs of their local residents.
- 1.3 The Health and Social Care Act 2012 also states Healthwatch must be an independently constituted corporate body, which is a social enterprise, not for profit, able to carry out corporate functions, employ people and sub-contract where it chooses.
- 1.4 The national vision for Healthwatch is a body which will give local communities a bigger say in how health and social care services are planned, commissioned, delivered and monitored. Healthwatch will ensure services meet the health and wellbeing needs of local people and groups, and address health inequalities. It will strengthen the voice of local people and groups, helping them to challenge poor quality services.
- 1.5 In addition, the Care Act 2014 places a new duty on local authorities in relation to the provision of care and support from 1 April 2015. As part of this, an effective local Healthwatch will appropriately challenge and engage.

- 1.6 Healthwatch Barking and Dagenham has been in place since 1 April 2013. Healthwatch Barking and Dagenham is an independent organisation as required by the Health and Social Care Act 2012 and is delivered through the general governance arrangements of Lifeline.
- 1.7 The key outcomes for Healthwatch Barking and Dagenham are:
- Increase in the number of residents who know where to go to raise concerns and obtain information about health and social care services;
 - Increase in the number of residents who have the opportunity to raise their views and experiences;
 - Improved scrutiny of health and social care services; and
 - Increase in the number of residents whose experiences have influenced commissioning decisions.
- 1.8 Under the Healthwatch regulations, local Healthwatch organisations have the power to 'Enter and View' health and social care providers so that authorised representatives can observe matters relating to health and social care services. Organisations must allow authorised representatives to Enter and View and observe activities on premises controlled by the provider as long as this does not affect the provision of care or the privacy and dignity of people using services. Healthwatch produces a report and recommendations from each Enter and View visit, which is published online and circulated to partners. Enter and View reports are reported in regularly scheduled updates to the Health and Wellbeing Board.
- 1.9 Healthwatch are also required to produce an annual report, which is submitted to Healthwatch England, published online and is formally received by the Health and Wellbeing Board.
- 1.10 The contract for Healthwatch Barking and Dagenham includes a performance framework, which requires them to submit regular service, organisational and financial information. As a minimum Healthwatch Barking and Dagenham provides quarterly monitoring reports on performance measures, which are based on service outcomes tied to the key outcomes identified above. Quarterly monitoring meetings by the officer monitoring the contract take place where performance information is discussed. In addition, numerous contacts outside monitoring meetings take place where ad-hoc issues and performance can be discussed.
- 1.11 The contract for Healthwatch provision ends on 31 March 2022.
- 1.12 The upcoming end of the current contract for Healthwatch Barking and Dagenham offers an opportunity to assess what Healthwatch has achieved so far and what Barking and Dagenham requires from a local health and social care watchdog in the future.

2. Proposed Procurement Strategy

2.1 Outline specification of the works, goods or services being procured

An award for a three-year contract with the option to extend for further 1+1 years will be made. The successful provider will deliver a local Healthwatch for Barking and Dagenham that will fulfil the following criteria:

- Provide information and advice to the public about accessing health and social care services and choice in relation to those services;
- Ensure the views and experiences of residents are made known to Healthwatch England helping it to carry out its role as national champion;
- Make recommendations to Healthwatch England to advise the Care Quality Commission to carry out special reviews or investigations into areas of concern;
- Promote and support the involvement of residents in the monitoring, commissioning and provision of local health and social care services;
- Obtain the views of residents about their experiences of local health and social care services and make those views known to those involved in the commissioning and scrutiny of care services; and
- Make reports and make recommendations about how those services could or should be improved.

2.2 Estimated Contract Value, including the value of any uplift or extension period

The current contract is £115,919 per annum, which is towards the lower end of the spectrum in terms of comparable cost with other Healthwatch organisations in London. The current Healthwatch contract is funded from two sources, the Local Reform and Community Voices Grant (LRCV) and from the Integration and Commissioning budget. It is estimated that the contract value will remain at a similar value with no change to the funding streams. Estimated value for the total contract period, including extension is therefore £579,595.

2.3 Duration of the contract, including any options for extension

Healthwatch Barking and Dagenham will be procured in the first instance for a period of 3 years with an additional extension of one year plus one year dependent on satisfactory performance in line with the specification and available funding.

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?

No, below threshold of the Light Touch Regime.

2.5 Recommended procurement procedure and reasons for the recommendation

The recommended route for this service is the open procurement procedure for the award of a 3-year contract from 1 April 2022 to 31 March 2025 with the option to extend for a further 1 +1 years. As the procurement is a high value contract but below the procurement threshold under the light touch regime, there will be a formal invitation to tender with an advertisement on the Council website and Contracts Finder and compliance with principles of transparency and equal treatment. The procedure will cover the essentials required including information such as timescales, evaluation methodology and any scope for change / change management procedures.

The Council will issue the contract in line with the Council's standard terms and conditions for the provision of the service with a break and variation clauses. The contracts will include service specification requirements and expected outcomes. Key performance indicators will be outlined in the service specification and agreed with the providers. Performance management will be carried out by the London Borough of Barking and Dagenham (LBBD).

2.6 The contract delivery methodology and documentation to be adopted

The Council's standard terms and conditions will be used for these contracts. The delivery option being adopted from the contract rules is: 15.1.(b) Getting a third party public or private body to provide the goods, services or works on behalf of the Council.

The provider will deliver against the terms of the contract, with objectives, outcomes and performance indicators set out in the service specification and agreed with the provider. Performance management of the service will be undertaken by LBBD by a named contract monitoring officer.

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

LBBD will fulfil its statutory obligation to commission a local Healthwatch organisation, while the activities of Healthwatch will support the delivery of duties outlined in the Care Act 2014 and the Borough's Joint Health and Wellbeing Strategy.

Whilst there will be no direct savings or efficiencies associated with this contract, there is the opportunity to have the residents' voice shape the future of health and social care services across the Borough. This will ensure that these services are delivering to a high standard and are held accountable to the Health and Wellbeing Board.

Outcomes expected throughout the duration of the contract are:

- Increase in the number of residents who know where to go to raise concerns and obtain information about health and social care services;
- Increase in the number of residents who have the opportunity to raise their views and experiences;
- Improved scrutiny of health and social care services; and
- Increase in the number of residents whose experiences have influenced commissioning decisions.

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

The criteria on which the tenderers are to be selected are still being considered; however, a 60:30:10 (quality: price: social value) ratio would be favourable. Provision will be made to include a health partner in the evaluation of the bidders and a panel member with lived experience has agreed to be involved.

An indicative timetable for the tender is set out below:

Health and Wellbeing Board	November 2021
Invite to Tender	November/December 2021
Tender Return	January 2022
Evaluation	January 2022
Award decision	January/February 2022
Service mobilisation	February 2022
Contract start	1 April 2022

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

The successful provider of this contract will need to satisfy the Council's Social Value commitment. All bidders will be asked to focus on the following three areas:

- **Investment in local people:**
- **Investment in the local economy:**
- **Community participation and engagement:**

They will be asked to demonstrate how they will provide employment opportunities for those individuals who are disadvantaged.

They will be encouraged to work with other providers who have similar social purpose.

Engaging with residents will be a large part of the work of Healthwatch and the bidders will need to be clear on how best to carry this out.

3. Options Appraisal

Option 1: Do Nothing

This option is not viable as the Council has a statutory obligation to commission a local Healthwatch provision. The current Healthwatch contract has been extended for the maximum duration and a re-tender of the service is therefore required.

Option 2: Joint commissioning of a Barking, Havering and Redbridge Healthwatch
Given the increased work around integration being carried out across the Barking, Havering and Redbridge health and care system, options were explored in commissioning an organisation that would provide a Healthwatch across the 3 boroughs. However, there are differences in population demographics across the three boroughs and therefore would bring different local priorities, and coupled with commissioning timeframes not being in line with each other, this option has been rejected, but can be explored again in any future commissioning of the service.

Option 3: Undertake Competitive Open Tender (preferred option)

An open tender allows for Healthwatch Barking and Dagenham to be reshaped to reflect the developments in the health and social care landscape in the coming

years. The open tender route allows for a wider net for potential bidders and is a transparent process which ensures that the most economically advantageous tender to the Council (i.e. with the best price and meeting all the technical requirements of the service) is awarded the contract.

4. Waiver

Not Applicable

5 Equalities and other Customer Impact

The general population of Barking and Dagenham is very diverse in terms of faith, ethnicity, culture, language, gender and sexuality. Providers are expected to develop a diverse workforce and promote sensitive and appropriate service delivery. Healthwatch Barking and Dagenham will be expected to demonstrate a commitment to ensuring that their services meet the diverse needs of the local community.

Healthwatch Barking and Dagenham must be inclusive and diverse in its make-up and will need to operate in different formats and methods of involvement and communication. Healthwatch Barking and Dagenham must provide a service appropriate to people's needs and shall not discriminate under any grounds, in terms either of participation or of obtaining and representing people's views and experiences.

The service being provided works with residents facing challenges in the current economic environment. As such this contract will support the residents in the Borough who are primarily challenged socio-economically and attempt to tackle the existing health inequalities in the Borough.

An Equality Impact Assessment (EIA) will be completed to ensure compliance. The successful bidder will also be expected to complete an EIA.

6. Other Considerations and Implications

6.1 Risk and Risk Management

The following risks have been identified and mitigating actions put in place:

- Delay to procurement (Medium) - Set and follow a realistic timetable.
- No tender received (Medium) - Clear budget identified in line with current spend. Tender to be advertised as set out in the report.
- Contract award decision challenged by unsuccessful provider(s) (Low) - Procure contract in line with Council's contract rules and ensure process followed.
- Provider fails to meet contractual obligations (Medium) - Clear set of outcomes set out in service specification and agreed with provider. Robust and regular performance monitoring and procedures with performance indicators.

6.2 TUPE, other staffing and trade union implications.

TUPE regulations will apply to 1 full time post and a part time post currently within Healthwatch. There are also 20 volunteers who will need to be considered. Terms and conditions of those posts will be made available to bidders.

6.3 Safeguarding Children

Healthwatch Barking and Dagenham must be committed to safeguarding and promoting the welfare of children, young people and vulnerable adults and expects all staff and volunteers to share this commitment. Staff and volunteers must be effectively trained in all aspects of safeguarding legislation and practice and follow the pan London multi-agency policy and procedures to safeguard adults and children from abuse. Healthwatch Barking and Dagenham shall prepare its own internal guidelines to protect adults from abuse that is consistent with the multi-agency policy and procedures.

In addition, Healthwatch Barking and Dagenham should have clear policies and procedures for the following:

- Child Protection
- Whistle blowing
- Complaints
- Confidentiality
- Health and Safety

6.4 Health Issues

Healthwatch plays a key role in the health and care system in the Borough and supports the delivery of the Health and Wellbeing Strategy, particularly around raising the concerns of people regarding the many health challenges the Borough faces, raising the profile of public opinion and, through Enter and View, improving the quality of services.

6.5 Crime and Disorder Issues

Not Applicable

6.6 Property / Asset Issues

Not Applicable

7. Consultation

Consultee	Name/Title	Date consulted
Portfolio Holder	Cllr Worby, Cabinet Member for Social Care and Health Integration	7 September 2021
Ward Councillor(s)		
Procurement Board	Hilary Morris	18 October 2021
Corporate Directors	Elaine Allegretti, Strategic Director, Children and Adults	7 September 2021

8. Corporate Procurement

Implications completed by: Francis Parker – Senior Procurement Manager

- 8.1 The proposed procurement is compliant with the Council's contract rules and the PCR 2015.
- 8.2 The proposed Open tender process is likely to yield the best value for money and attract the highest level of potential providers.
- 8.3 The proposed price/quality split is suitable and includes social value.

9. Financial Implications

Implications completed by: Lawrence Quaye- Finance Business Partner

- 9.1 This report seeks Health and Wellbeing Board approval to tender for the provision of the Healthwatch service, to enhance quality of life of residents and achieve value for money.
- 9.2 The annual value of the contract based on 2021-22 is £116,000, and there is a budget provision for this expenditure. Any uplift will be contained within existing budget.

10. Legal Implications

Implications completed by: Kayleigh Eaton, Senior Contracts and Procurement Solicitor, Law & Governance

- 10.1 This report is seeking approval to tender a contract for a local Healthwatch in Barking and Dagenham for a period of 3 years with an option to extend for 2 years on a 1+1 basis.
- 10.2 The service being procured falls within the services under the Light Touch Regime under the Public Contracts Regulations 2015 (the Regulations). The value of the contract is below the threshold requiring competitive tender under the Regulations. Nevertheless, section 2.5 of this report states that a single stage tender will be used in compliance with the Council's Contract Rules, which will be advertised on the Council website and Contracts Finder.
- 10.3 Contract Rule 28.8 of the Council's Contract Rules requires that all procurements of contracts above £500,000 in value must be submitted to Cabinet/Health and Wellbeing Board for approval.
- 10.4 In line with Contract Rule 50.15, Cabinet/Health and Wellbeing Board can indicate whether it is content for the Chief Officer to award the contracts following the procurement process with the approval of Corporate Finance.
- 10.5 The proposed procurement strategy outlined in the body of the Report appears to be compliant with the requirements of the applicable law and Council's constitution and Contract Rules. The legal team will continue to be on hand to assist and advise as required.

Background Papers Used in the Preparation of the Report: None

List of appendices: None