



MAYOR AND CABINET

Permission to procure report for the Lewisham Wellbeing Service

Date: 6 July 2022

Key decision: Yes

Class: Part 1

Ward(s) affected: All wards

Contributors:

Integrated Commissioning Manager (Mental Health Pathways), Senior Lawyer, Group Finance Manager.

Outline and recommendations

Lewisham Wellbeing Service offers support, advice and interventions to those experiencing poor mental health, acting as a point for preventative work and a space for those recovering from a period of mental ill health.

The service is a keystone of our community provision and following a review of current service provision, service user feedback and change in demand, officers are seeking to procure a new contract for the service via an open tender process.

The current contract for the Lewisham Wellbeing Service began in February 2019 and will come to a close in February 2023, following a one-year extension to address COVID19 pressures.

Mayor and Cabinet are recommended to:

- Give approval for officers to extend the current contract from the 9th February 2023 to the 31st March 2023
- Procure a new Lewisham Wellbeing Service for the period of 1st April 2023 to 31st March 2026.

1. Summary

- 1.1. Lewisham Community Wellbeing Service provides integrated prevention and recovery interventions for those over the age of 18 years living in Lewisham who may be experiencing a mental health issue.
- 1.2. The current contract for the Lewisham Community Wellbeing Service began in February 2019 and will come to a close in February 2023, following a one-year extension to address COVID19 pressures.
- 1.3. Lewisham Community Wellbeing Service offers support, advice, and interventions to those experiencing poor mental health, acting as a point for preventative work and a space for those recovering from a period of mental ill health.

- 1.4. COVID19 has had a significant impact on the mental health of Lewisham residents and data from our current services suggest increased acuity; commissioners are therefore seeking to review the suitability of current provision in light of these issues to inform the procurement of the service beyond February 2023.
- 1.5. Funding for this service is managed by the Council, with majority costs claimed back from NHS South East London Clinical Commissioning Group.

2. Recommendations

- 2.1. Mayor and Cabinet are recommended to approve the extension of contract with BLG Mind for the provision of Lewisham Community Wellbeing Service from 9th February until 31st March 2023 at a cost of £76,712.32.
- 2.2. Mayor & Cabinet are recommended to approve the procurement of a new Lewisham Wellbeing Service for the period of 1st April 2023 to 31st March 2026 (with an option to end for a further two years) with total contract value of £2.8m.

3. Policy Context

- 3.1. National statutes and policy guidance related to the council and ICBCB's duty to commissioned and/or provide the service are as follows;

National

- Mental Capacity Act 2005
- Mental Health Act 2007
- Care Act 2014
- No Health Without Mental Health
- NHS Long Term Plan
- Mental Health Forward View
- Advancing Mental Health Equalities Strategy
- Improving Access to Mental Health Services by 2020

Local

- Corporate Strategy 2018/22
- Lewisham Health and Wellbeing Strategy 2013/23
- Sustainable Community Strategy

4. Current provision

- 4.1. Lewisham has a higher estimated rate of common mental illness amongst its working population (19.8%) than London and England (18.2% and 16.6% respectively). Rates of serious mental illness in Lewisham is also higher than the national average, with approximately 10% of these residents not currently receiving support from SLAM mental health services.
- 4.2. Lewisham Community Wellbeing Service acts as a single point of contact for Lewisham residents who require low-level community based support to maintain their wellbeing and prevent the deterioration of their mental health.
- 4.1. The service offers support, advice and interventions to those experiencing poor mental health, acting as a point for preventative work and a space for those recovering from a period of mental ill health. The service provides a single point of access to a range of support available across Lewisham, including:
 - One to one support, information and advice regarding mental health and local services;

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- Workshops and courses to support those experiencing mental ill health to explore their experiences and learn more about their condition(s);
 - Peer support groups run by people with their own experiences of mental health difficulties and recovery; and
 - Culturally specific wellbeing support for our BAME residents.
- 4.2. Lewisham Community Wellbeing Service also deliver the borough's Service User Engagement Forum, bringing together members of our community to discuss service development and improvements in the borough. The group have recently provided feedback related to Lewisham's Autism Strategy, Crisis Cafes and Carers Support.
- 4.3. Following a significant dip in referrals during the start of the COVID-19 lockdown, numbers are now exceeding pre-COVID levels; anecdotally, acuity has risen across the borough and individuals are experiencing higher levels of stress in relation to the wider determinants of health.
- 4.4. Reviews of service and service user data are underway to ensure any new contract meets the expectations of our residents and the requirements of the system.
- 4.5. The current contract for the Lewisham Community Wellbeing Service began in 2018 and will come to a close in 2023, following a one year extension to address COVID19 pressures.
- 4.6. The current contract ends on the 9th February 2023. Officers are seeking permission to extend the current contract by 50 days to the 31st March 2023. This will enable the opportunity to undertake well executed coproduction with professionals and residents in the borough to develop the service specification in line with need following COVID19 . It will also enable us to align the new contract and related payments to the financial year and related processes.
- 4.7. Commissioners are then seeking permission to undergo an open tender process in order to identify a suitable provider to deliver this service April 2023 onwards.

5. Contract details

- 5.1. The current Lewisham Wellbeing Service contract is jointly funded by LBL and ICBSEL ICB under the S256 agreement.
- 5.2. The 50 day extension would be £76,712.32 bringing the current contract end date to the 31 March 2023. This is not an additional cost as the funding is within the budget. A breakdown of this cost is provided in the table below:

Service	Contributor	Contribution	Total extension cost
Lewisham Community Wellbeing	Lewisham Borough Council	£25,570.77	£76,712.32
	South East London ICB	£51,141.55	

- 5.3. The new Lewisham Wellbeing Service contract will be jointly funded by LBL and SELICB under the S256 agreement.
- 5.4. The service will continue to offer support, advice and interventions to those experiencing poor mental health and act as a point for preventative work and a space for those recovering from a period of mental ill health. Stakeholder engagement will be undertaken to shape the final specification to ensure it meets local demand and aligns with existing wellbeing and mental health pathways.

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5.5. The annual contract cost would be £560,000. A breakdown of this cost is provided in the table below:

Service	Contributor	Contribution	Total annual cost
Lewisham Community Wellbeing	Lewisham Borough Council	£190,400	£560,000
	South East London ICB	£369,600	

5.6. A three year contract (from 1st April 2023 to 31st March 2026) with the option to extend for a total of 24 months (12+12) is sought, with total contract value of £2.8m.

6. Procurement approach – Route to Market

6.1. Under the Care Act 2014, London Borough of Lewisham is the lead commissioner on behalf of the Joint Commissioning Team. This contract is jointly funded by NHS SEL ICB.

6.2. The option to bring this contract in-house was considered however, it is not a viable option. To bring in house would increase the value of the contract due to increased staff and infrastructure costs (i.e. IT equipment and case management systems).

6.3. Therefore officers will undergo a one stage open tender process in order to identify the most suitable provider and deliver the contract with the highest value for money. This approach will enable officers to identify suitable providers who are able to:

- Meet the needs of an integrated service and manage both health and care needs, and
- Identify key community partners to deliver this non-statutory, community-based service.

6.4. The proposed route to market is an open procedure in line with the Contract Procurement Regulation (2015) following public advertisement (with the flexibility allowed under the Light Touch Regime).

6.5. The procurement opportunity will be advertised via the Council's online tendering system (Pro-contract Procurement Portal), which publishes opportunities through the London Tenders Portal, Contracts Finder and Find a Tender service.

6.6. Suppliers will be able to tender for this contract via the Pro-Contract Procurement Portal and will be assessed on a criteria of price, quality with a percentage of 50/50 split. The quality weighting will include between 5% - 10% Social Value in line with the Council's procurement policies.

6.5. The successful supplier will be recommended for award of contract, following a further report to Mayor and Cabinet.

6.6. Proposed timescales for this approach are as follows:

Activity	Proposed Timescale
Market Warming Event	June 2022
Tender Published	July 2022
Tender Closed	September 2022
Moderation	October 2022
Contract Award	November 2022

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7. Financial implications

- 7.1. The extension of the current Community Wellbeing Service contract will continue to be jointly funded by LBL and SELICB.
- 7.2. This represents an additional £25,570.77 for 50 days (9th Feb23-31st March 23) under the S256 agreement. LBL's contribution towards the overall cost of £637,057.32 for one year April22-March23 will be £216,087.77 and is within budget.

8. Legal Implications

- 8.1. Firstly, the report recommends the extension of the current contract with BLG Mind, for a period of 50 days without carrying out a competitive process, at a cost of £76,712.32.
- 8.2. The Council is obliged to comply with the procurement Regulations (Public Contracts Regulations 2015). Some variations to existing contracts may trigger a requirement to undertake a new competitive tender process. The Council's Contract Procedure Rules set out which variations can be made without a new competitive process (Constitution Part IV I, paragraph 17 of Contract Procedure Rules). This report explains why this extension to the contract for 50 days is proposed.
- 8.3. Contract Procedure Rules say that where a contract variation is 'not substantial', the variation can be made (paragraph 17.5). The definition of 'substantial' takes into account matters including the nature and size of the proposed change relative to the original contract, and the likely market effect of the change (including the change to the scope and economic balance of the contract). There is a reasonable argument that the proposed extension is not substantial. As such, the variation does not trigger a requirement to undertake a new procurement. On that basis, therefore, the proposed extension is allowable under the Council's Contract Procedure Rules paragraph 17. Secondly, the report seeks approval of the future delivery of the Lewisham Wellbeing Service by an external provider. Given the potential spend on this contract (at a length of 3 + 2 years) this contract would be categorised by Contract Procedure Rules as a Category A contract. The report sets out the other options considered and explains why this is the recommended option.
- 8.4. Assuming that Mayor and Cabinet accepts the recommendation for future delivery by an external provider, Contract Procedure Rules place requirements on how that should happen. The Rules require that when letting contracts steps must be taken to secure value for money through a combination of cost, quality and competition, and that competitive tenders or quotations must be sought depending on the size and nature of the contract (Rule 5). Given the potential spend on this contract the procurement regulations (Public Contracts Regulations 2015) will also apply. The requirements of both Contract Procedure Rules and the procurement regulations would be satisfied by use of an open tender procedure. The process for procurement and the award of the contract would have to be in accordance with the Contract Procedure Rules. As a Category A contract, it would be for Mayor and Cabinet to take a decision on the award of any contract.
- 8.5. This is a key decision and must be included in the Key Decision Plan.
- 8.6. The Equality Act 2010 (the Act) places on the Council a public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In summary, the Council must, in the exercise of its functions, have due regard to the need to:

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- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
- 8.7. The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations. 9.7 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-andpolicy/equality-act/equality-act-codes-of-practice-and-technical-guidance/> .
- 8.8. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty: 1. The essential guide to the public sector equality duty 2. Meeting the equality duty in policy and decision-making 3. Engagement and the equality duty 4. Equality objectives and the equality duty 5. Equality information and the equality duty.
- 8.9. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/publicsector-equality-duty/guidance-on-the-equality-duty/>

9. Equalities implications

- 9.1. The Council's Comprehensive Equality Scheme for 2016-20 will provide an overarching framework and focus for the Council's work on equalities and help ensure compliance with the Equality Act 2010.
- 9.2. Our coproduction approach, which will be embedded within the procurement process and represent a significant role the new service provider will undertake, supports the removal of barriers to participation and engagement and enable lesser heard voices to be heard.
- 9.3. The culturally specific support available within the service has enabled the provider to develop strong participation rates among our Black African and Black Caribbean communities and maintain these during COVID19. Specific support for vulnerable groups (e.g. migrants) also ensures underrepresented groups are able to benefit from the service.
- Service delivery in community spaces improves accessibility for all. Continuing to deliver such services outside of traditional healthcare settings also helps ensure those who remain on the periphery of statutory services, or those with a distrust of the health system can receive support for their wellbeing.

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9.4. One of the key quality criteria measured during any commissioning process is “Processes for addressing equality and diversity”. All the services contained in this report will be subject to robust contract monitoring processes which include evaluating fair access to services for all.

10. Climate change and environmental implications

- 10.1. The Council has made a commitment to making the borough carbon neutral by 2030.
- 10.2. The contracts set out in this report will not have any negative impact on the rate of energy consumption or increase of carbon admissions.

11. Crime and disorder implications

11.1. There are no crime or disorder implications.

12. Health and wellbeing implications

- 12.1. The services in this report will have a positive impact on health, mental health, and wellbeing by providing direct mental health and wellbeing interventions in addition to indirect support regarding the wider determinants of health.
- 12.2. The services in this report will have a positive impact on social, economic and environmental living conditions that indirectly affect health by providing good quality advice, support and guidance to those with, or recovering from, a mental health issue.

13. Social Value implications

- 13.1. The council is an officially accredited London Living Wage (LLW) Employer and is committed to ensuring that, where appropriate, contractors and subcontractors engaged by the council to provide works or services within Lewisham pay their staff at a minimum rate equivalent to the LLW rate. The successful provider will be expected to meet LLW requirements and contract conditions requiring the payment of LLW will be included in the service specification and contract documents
- 13.2. The incorporation of Social Value into Lewisham contracts will significantly help the Council to deliver on its strategic corporate and Mayoral priorities and deliver added value for the borough as a whole.
- 13.3. The tenderers will be asked a method statement question to demonstrate what social value they can deliver through the contract.

14. Glossary

Procurement	The process of buying or purchasing goods or services.
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Stakeholder	A person with an interest or concern in something, community services in this case.
The Care Act	A law passed in Parliament in 2012, bringing together various pieces of legislation and setting out new duties and expectations from local authorities
Wellbeing	Used by the World Health Organisation (1946) in its definition of health as “a state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity”. More recently the concept was described as “feeling good and functioning well” (New Economics Foundation, 2008). Creating wellbeing (of which good physical health is a component) requires the mobilisation of the widest assets to ensure community cohesion, safety and so on.

15. Report author and contact

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16. Comments for and on behalf of the Director of Law, Governance and Elections

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