



## MAYOR AND CABINET

### **Permission to procure report for the Lewisham Dementia Hub**

**Date:** 6 July 2022

**Key decision:** Yes

**Class:** Part 1

**Ward(s) affected:** All wards

**Contributors:**

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

### **Outline and recommendations**

The primary aim of the Lewisham Dementia Hub is to provide advice, information and guidance to those with Dementia and their carers from diagnosis to end of life in order to help them maintain their wellbeing and independence.

The current contract for the Lewisham Dementia Hub 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 9<sup>th</sup> February 2023 to the 31<sup>st</sup> March 2023
- Procure a new Lewisham Dementia Hub for the period of 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2026, with an option to end for a further two (1+1) years.

### **1. Summary**

- 1.1. Lewisham Dementia Hub offers guidance, advice and support to those with Dementia and their carers, from diagnosis to end of life. The current contract for the Lewisham Dementia Hub began in February 2019 and will come to a close in February 2023, following a one year extension to address COVID-19 pressures.
- 1.2. There are no delivery, performance or quality concerns with the current service, however COVID-19 has had a significant impact on the severity of service users' conditions and data from our current services suggest increased acuity. 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.
- 1.3. Officers recommend that Mayor and Cabinet approve an open one-stage open tender procurement of a three year contract (April 2023 to April 2026) for the Lewisham Dementia Hub, with an option to extend for a further one plus one years where required.

## 2. Recommendations

- 2.1. Mayor and Cabinet are recommended to approve the extension of contract with BLG Mind for a period of 50 days from 9<sup>th</sup> February 2023 until 31<sup>st</sup> March 2023 at a cost of £39,726.03.
- 2.2. Mayor & Cabinet are recommended to approve the procurement of a new Lewisham Dementia Hub contract for the period of 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2026, with an option to extend for up to a further two years at a total cost of £1.45m.

## 3. Policy Context

- 3.4. The Prime Minister's Dementia Challenge 2020 aims to deliver major improvements on dementia care and research. The Lewisham Dementia Hub is an important part of the work towards meeting this challenge, and the Dementia Services are an integral part of this care pathway.
- 3.3. Other national statutes and policy guidance related to the council and ICBs 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
- National Dementia Strategy
- Prime Minister's Challenge on Dementia
- Improving Access to Mental Health Services by 2020

### Local

- Corporate Strategy 2018/22
- Lewisham Health and Wellbeing Strategy 2013/23
- Sustainable Community Strategy
- Lewisham Dementia Strategy (2022-2025?)

## 4. Lewisham Dementia Hub

- 4.1. Due to our relatively young population, which continues to grow, Lewisham has lower rates of Dementia than the London average and the percentage of people with dementia in Lewisham is projected to be falling. Currently, it is estimated that 2000 people in Lewisham live with Dementia.
- 4.2. The primary aim of the Lewisham Dementia Hub is to provide advice, information and guidance to those with Dementia and their carers from diagnosis to end of life in order to help them maintain wellbeing and independence.
- 4.3. Lewisham Dementia Hub is currently managed by BLG Mind and delivers a range of activities including:
  - Carers Coffee Mornings that provide the space and time to meet and connect with others with similar experiences;
  - Dementia Coaching for those for care for a person with Dementia to help them manage changes in
  - Dementia Skills Training for Lewisham residents and staff to raise awareness and

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understanding regarding the condition, its presentation and development;

- Horticultural and arts groups that provide our residents with Dementia the opportunity to take part in social and cultural activities with others who have and understand the condition.
- 4.4. The Lewisham Dementia Hub also coordinate the Dementia Community Action Group, which brings together local community groups, service providers and businesses to support Lewisham to become a more Dementia friendly borough.
  - 4.5. Referral rates have risen to pre-covid levels and are projected to continue to rise, considering the high rates of rereferrals the service has experienced. Anecdotally, this increase is due to the difficulties faced by those with Dementia during the COVID19 lockdowns and the increased pressure placed on already struggling carers.
  - 4.6. The current contract for the Lewisham Dementia Hub began in February 2019 and will come to a close in February 2023, following a one year extension to address COVID19 pressures.
  - 4.7. The current contract ends on the 9th February 2023. Officers are seeking permission to extend the current contract by 50 days to the 31<sup>st</sup> 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.

## 5. Procurement approach – Route to Market

- 5.1. Under the Care Act 2014, London Borough of Lewisham is the lead commissioner on behalf of the Joint Commissioning Team. This contract is fully funded by NHS SEL ICB.
- 5.1. 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).
- 5.2. 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.
- 5.3. 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).
- 5.4. 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.
- 5.5. 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.
- 5.6. The successful supplier will be recommended for award of contract, following a further report to Mayor and Cabinet.
- 5.7. Proposed timescales for this approach are as follows:

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<b>Activity</b>	<b>Proposed Timescale</b>
Market Warming Event	June 2022
Tender Published	July 2022
Tender Closed	September 2022
Evaluation and Moderation	October 2022
Contract Award	January 2023
Service Live	April 2023

## 6. Contract details

- 6.1. The current Lewisham Dementia Hub contract is managed by LBL and fully funded by SELICB under the S256 agreement.
- 6.2. The 50 day extension cost would be £39,726.03, bringing the current contract end date to the 31st March 2023.. This is not an additional cost as the funding is within the budget. The extention is to enable us to engage on the service specification and take forward any appropriate recommendations from Lewisham Dementia Strategy that is being developed.
- 6.3. The new Lewisham Dementia Hub contract will be managed by LBL and funded by SEL ICBunder the S256 agreement.
- 6.4. The sevice will continue to provide advice, information and guidance to those with Dementia and their carers from diagnosis to end of life in order to help them maintain wellbeing and independence
- 6.5. 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.
- 6.6. The annual contract cost would be £290,000. A three year contract (from 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2026) with the option to extend for a total of 24 months is sought, with total contract value of £1.45m.

## 7. Financial implications

- 7.1. The extension of the current Dementia Hub contract will continue to managed by LBL and funded by SEL ICB.
- 7.2. Under the S256 agreement LBL's contribution towards the extended cost of £39,726.03 for the 50 day period (9<sup>th</sup> Feb 23-31<sup>st</sup> March 23) is £0 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 from 9<sup>th</sup> February until 31<sup>st</sup> March 2022 without carrying out a competitive process, at a cost of £39,726.03.
- 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 a further 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

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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.

- 8.4. The report seeks approval of the future delivery of the Lewisham Dementia Hub 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.
- 8.5. 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.
- 8.6. This is a key decision and must be included in the Key Decision Plan.
- 8.7. 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:
  - 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.
- 8.8. 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/>.
- 8.9. 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

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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.

- 8.10. 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. 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.
- 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 post diagnosis support to those with Dementia and their carers.
- 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, guidance and support to address issues related to Dementia early on and to ensure wrap around services are in place.
- 12.3. The services in this report will also have a positive impact on the quality of life of unpaid carers and prevent deterioration of carers' wellbeing.

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### 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.
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.

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## **15. Report author and contact**

15.1. Polly Pascoe, Integrated Commissioning Manager

[Polly.pascoe@lewisham.gov.uk](mailto:Polly.pascoe@lewisham.gov.uk)

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

16.1. Mia Agnew, Senior Lawyer

Mia.Agnew@lewisham.gov.uk

## **17. Comments for and on behalf of Finance**

17.1. Paul Roye - Business Partner, Group Finance – Communities  
paul.roye@lewisham.gov.uk

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