



Mayor and Cabinet

Report title: Framework Agreement for Services to Adults with Learning Disabilities – Call off of supported living and registered residential care contracts

Date: 09 March 2022

Key decision: Yes

Class: Part 1.

Ward(s) affected: All Wards

Contributors: Executive Director, Community Services

Director of Law

Director of Finance

Outline and recommendations

This report sets out the process and outcome for procuring 7 supported living services and 3 registered residential care services for adults with learning disabilities called off under the Framework Agreement for Services to Adults with Learning Disabilities: Lot 1 - Supported Living and Lot 2 Registered Residential Care

These call off contracts deliver a saving to the Council of **£158,812.68** per annum, a reduction in current contract price of approximately 6.3%.

Mayor and Cabinet are recommended to:

- a) Agree the award of 7 contracts to the following organisations procured via mini-competition under Lot 1 Supported Living for a contract period of 4 years:

<u>Service Name*</u>		<u>Provider</u>
Service LDF2A	-	The Camden Society
Service LDF2B	-	The Camden Society
Service LDF2C	-	Three C's Support
Service LDF2D	-	Aurora Nexus
Service LDF2E	-	Three C's Support
Service LDF2F	-	Aurora Nexus
Service LDF2G	-	Aurora Nexus

- b) Agree the award of 3 contracts to the following organisations procured under Lot 2 Registered Residential Care for a period of 4 years:

Service LDF2H	-	Aurora Nexus
Service LDF2J	-	Aurora Nexus
Service LDF2K	-	PLUS

* Please note service addresses were anonymised using the codes given for tendering purposes. For service descriptions please see Appendix 3.

- c) Agree temporary extensions of existing contracts for between 3-6 months before the requested awards take effect, as set out with in the report.

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Timeline of engagement and decision-making

This is the second phase of a programme to reprocure all supported living and registered residential care contracts commissioned through the Learning Disability Framework Agreement in line with contract end dates. Phase one (coded as LDF1) which involved the re-commissioning of 12 supported living service contracts was carried out in late 2019 and recommendations for the award of contract approved by Mayor and Cabinet on 5th February 2020 (Report headed 'Framework Agreement for Services to Adults with Learning Disabilities – Call off supported living contracts').

Approval to procure this second phase (coded as LDF2) was given by the Executive Director for Community Services on 11th October 2019 (Report headed 'Executive Decision by Executive Director for the initiation of a mini competition under the Framework Agreement for the Provision of Services to Adults with Learning Disabilities 2019-2023').

The intention was this procurement exercise would take place in early 2020, however, due to the impact of the Covid-19 pandemic a decision was made to postpone all procurement activity to enable both commissioners and providers to focus their full capacity on managing the response to the pandemic.

On 24th March 2021, Mayor and Cabinet approved recommendations to extend a range of social care contracts, including all Learning Disability Framework contracts, to allow for completion of the postponed procurement processes. (Report headed; 'COVID related contract extensions'). All services included in this piece of procurement are being procured within the agreed contract extension dates.

Service users within the services included in LDF2, and their families were contacted to be advised of this round of recommissioning. Service user training workshops run by Lewisham Speaking Up were held in November and December 2021 to support service users prepare questions to ask at the interview. They were also invited to participate in the evaluation phase of the procurement through involvement in interviews held with shortlisted bidders.

The original intention was that all interviews would be held in person, however, due to the introduction of the 'Plan B' restrictions and to mitigate against the risk of Covid-19 infection, the Council moved all LDF2 interviews on-line. This decision meant that the Council was unable to facilitate service users' participation at interview on this occasion. However, interview questions prepared with the support of Lewisham Speaking Up advocacy services were used at the interview.

Single online interview panels were held for each service. Family members who were able to access the interview online also participated in the interview process alongside Council officers. One service user was able to independently access the on-line interview for their service and participated fully in the interview evaluation process for that service.

The scores of the family members and service users for provider presentations and response to set questions were moderated alongside officer scores post interview.

1 Summary

- 1.1. The purpose of this report is to seek agreement from Mayor and Cabinet for the award of 7 supported living contracts and 3 registered residential care contracts procured through mini competition under the Learning Disability Framework Agreement for the provision of in borough services to Adults with Learning Disabilities.

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- 1.2. The Framework Agreement for Adults with Learning Disabilities 2019-23 was implemented on 1st September 2019 following agreement by Mayor and Cabinet on 26th June 2019. This is the second phase of recommissioning in-borough contracts under the new Framework.

2 Recommendations

2.1 Mayor and Cabinet are recommended to:

2.1.1 agree the award of contracts to the following organisations for seven (7) supported living contracts procured via mini-competition under Lot 1: Supported Living of the Framework Agreement for Adults with Learning Disabilities 2019-2023:

Service LDF2A	-	The Camden Society
Service LDF2B	-	The Camden Society
Service LDF2C	-	Three C's Support
Service LDF2D	-	Aurora Nexus
Service LDF2E	-	Three C's Support
Service LDF2F	-	Aurora Nexus
Service LDF2G	-	Aurora Nexus

2.1.2 agree the award of contracts to the following organisations for three (3) registered residential care service contracts procured via mini-competition under Lot 2: Registered Residential Care of the Framework Agreement for Adults with Learning Disabilities 2019-2023:

Service LDF2H	-	Aurora Nexus
Service LDF2J-	-	Aurora Nexus
Service LDF2K	-	PLUS

2.1.3 agree an extension of six months to the current contracts for LDF2A, LDF2B and LDF2D, where it is recommended there is a change of provider, to allow for the new provider to undertake due diligence and consultation with staff as set out in the TUPE Regulations before the contracts are taken up by the winning bidders.

2.1.4 agree an extension of three months to the current contracts LDF2C, LDF2E, LDF2F, LDF2G, LDF2H, LDF2J and LDF2K, where it is recommended there is no change of provider. The procurement process has taken us beyond the contract expiry dates for these contracts.

2.1.5 agree to award these 10 contracts at paragraphs 2.1.1 and 2.1.2 for a 4 year period on a London Living Wage basis.

2.2 Should the above recommendations be accepted the contracts will have the following start date and cost :

Service	Annual Value	Total Value of Contract (4 years)	Proposed contract start date
LDF2A	£168,738.96	£674,955.84	01/07/2022
LDF2B	£104,350.48	£417,401.92	01/07/2022
LDF2C	£228,230.08	£912,920.32	01/04/2022
LDF2D	£171,460.84	£685,842.56	01/07/2022

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LDF2E	£203,288.28	£813,153.12	01/04/2022
LDF2F	£265,748.60	£1,062,994.10	01/04/2022
LDF2G	£271,121.76	£1,084,487.04	01/04/2022
LDF2H	£307,980.92	£1,231,923.68	01/04/2022
LDF2J	£244,027.16	£976,108.64	01/04/2022
LDF2K	£395,606.12	£1,582,424.48	01/04/2022

- 2.3 For supported living service contracts, these costs represent an annual reduction of **£82,671.16** on current contract costs and for registered residential care service contracts, an annual reduction of **£76,141.52** on current contract costs. This would be a total annual reduction for these 10 contracts of **£158,812.68**.

3 Policy Context

- 3.1 In line with other councils, Lewisham Council became the lead agency for commissioning services for adults with a learning disability on 1st April 2009. The Joint Commissioning Section 75 signed in 2014 means that it leads on commissioning in respect of adult services for Mental Health, Learning Disabilities, Older Adults, Physical Disabilities and Carers.
- 3.2 The Care Act 2014 is the most substantial piece of legislation relating to adult social care to be implemented since 1948. It consolidated previous legislation, common law decisions and other good practice guidance. The Care Act places a wide emphasis on prevention, the provision of advice and information, changes to eligibility, funding reform and market shaping and commissioning.
- 3.3 The Council requires that contracts continue to be delivered in accordance with the principles laid out in Transforming Care, the Government's Concordat Programme of Action (2012) and the national plan "Building the right support" (2015) to develop community services for people with a learning disability and/or autism. These principles are:
- 1) People should be supported to have a good and meaningful everyday life
 - 2) Care and support should be person-centred, planned, proactive and coordinated
 - 3) People should have choice and control over how their health and care needs are met
 - 4) People should be supported to live in the community
 - 5) People should have a choice about where and with whom they live
 - 6) People should get good care and support from mainstream NHS services
 - 7) People should be able to access specialist health and social care support in the community
 - 8) People should be able to get support to stay out of trouble
 - 9) When health needs cannot be met in the community people should be able to access high quality assessment and treatment in a hospital setting
- 3.4 The Framework Agreement established in 2019 links with the Council's Corporate Strategy (2018 – 2022). The Framework operates in line with the Council's commitments:

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- to ensure all health and social care services are robust, responsive and working collectively to support communities and individuals:
 - to defend and deliver health and social care services that protect the most vulnerable in our borough:
 - to ensure everyone receives the health, mental health, social care and support services they need
- 3.5 The contracts being awarded have been procured under the new Framework Agreement and in line with the Council's commitments.
- 3.6 The recommendations within this report also relates directly to other commitments in the Council's Corporate Strategy 2018 – 2022:
- Delivering and defending health and social care services that protect the most vulnerable in our borough
 - Working with our partners to ensure that young people transitioning into adulthood achieve the best possible outcomes in relation to education, work, healthy lives and strong community connections

4 Background

- 4.1 In June 2019, Lewisham Council established a new Framework Agreement for its adult learning disability services covering four categories of service: Supported Living (Lot 1); Registered Residential Care (Lot 2); Day Care (Lot 3); Non-residential Respite Care and Outreach (Lots 4.1 and 4.2). The Framework was implemented on 1 September 2019 with a term of 4 years.
- 4.2 The Framework Agreement allows the Council to both call off contracts using the prices and quality information submitted on appointment to the Framework Agreement or through a mini competition amongst Framework Providers. The Framework Agreement does not preclude an open tender process if the Council does not believe that existing Framework providers could deliver the type and complexity of service required.
- 4.3 Phase one recommissioning of 12 supported living contracts (LDF1) was completed under the new Framework Agreement and recommendations for contract award agreed by Mayor and Cabinet on 05 February 2020 (Report headed 'Framework Agreement for Services to Adults with Learning Disabilities – Call off supported living contracts).
- 4.4 This procurement exercise (coded as LDF2) is the second phase of a recommissioning cycle being undertaken under the new Framework Agreement.
- 4.5 Approval to procure this second phase was given by the Executive Director for Community Services on 11th October 2019 (Report headed 'Executive Decision by Executive Director for the initiation of a mini competition under the Framework Agreement for the Provision of Services to Adults with Learning Disabilities 2019-2023' However, due to the impact of the Covid-19 pandemic, all procurement activity was put on hold. Subsequently, in March 2021, Mayor and Cabinet were asked to approve recommendations to extend contracts, including those learning disability contracts scheduled for phase two, and those in the following procurement phases, to allow additional time for the completion of planned procurements. (Report headed; 'COVID related contract extensions'). This procurement exercise has been carried out within the contract extension term.
- 4.6 Providers on the Learning Disability Framework Agreement for the category of Supported Living and Registered Residential Care were invited to bid for services

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within their respective Lot.

- 4.7 The Framework Agreement is an overarching contract under which services are procured using service specifications that are particular to the service and service category concerned.
- 4.8 All 10 services included in LDF2 have been re-commissioned through previous procurement exercises carried out under Learning Disability Framework Agreements.

5. Tender Process and Evaluation

- 5.1 The services included in LDF2 were tendered through an e-procurement process carried out using the London Tenders Portal.
- 5.2 The procurement was carried out as a call off through mini-competition from the Lewisham Learning Disability Framework Agreement: Lot 1 – Supported Living and Lot 2 Registered Residential Care services.
- 5.3 Notification of the tender was sent to the twenty-one (21) organisations who were appointed to the Framework Agreement for Lot 1: Supported Living and nine (9) organisations appointed to the Framework Agreement for Lot 2: Registered Residential Care services. Organisations were invited to bid for any or all of the services within their respective Lot tendered through this procurement process.
- 5.4 The tender ran from 18th October to 23rd November 2021 with tenders evaluated by the evaluation panel between 26th November and 9th December 2021. Moderation meetings were held for each Lot 1 and Lot 2 on 9th and 13th December to discuss and agree final scores. The allocated procurement officer was present to ensure the evaluation process was compliant with procurement regulations. Following moderation, 4 organisations were invited to interview for services shortlisted for on specified dates.
- 5.5 Criteria was weighted 60% for the quality submission, and 40% for the financial submission. This is to reflect the need to secure services which are economical but also deliver competently and safely to the overall service standards set.
- 5.6 Supported living rates are set within the Framework Agreement and in this procurement exercise bidders were required to price the service based on the Council's rates. Bidders were advised they should not submit rates above the Council's maximum rates.
- 5.7 The following criteria were assessed during the tender evaluation process:

Financial detail including price	40%
MS1 Managing Health Conditions	5%
MS2 Use of Assistive Technology	7%
MS3 Service Change	8%
MS4 Community Participation	6%
MS5 Support Hours	5%
MS6 Social Value	5%
MS7 Commissioner's Statement	7%

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MS8 Delivery of Outcomes	7%
MS9 Climate Change (For information only)	0%
MS10 GDPR & Data Handling (Information only)	0%
Ability to deliver the service – interview	10%

5.8 The full detail of Quality Method Statements for the above are shown in **Appendix 1**.

5.9 A quality threshold score of 7 out of 10 (Good) was set by the Evaluation Team as the required minimum score for the following criteria for the written tender:

- Support hours
- Community participation
- Commissioner’s statement
- Delivery of outcomes

Any organisation not achieving this minimum score was deemed not to have the experience or capacity to deliver to the standard required. For all other criteria the quality threshold was set at a Pass Mark of 5 out of 10 (Barely adequate).

5.10 The service specifications are ‘outcome based’. Tenderers were asked to submit a description of their proposals to deliver these outcomes in the form of Method Statements. These were used to test tenderers’ understanding of service requirements and approaches within each of the criteria detailed in 5.7.

5.11 Method Statement 7 (Commissioner’s Statement) and Method Statement 8 (Delivery of Outcomes) were specific to each service for which tenderers bid. These covered their understanding of how the commissioner’s statement will influence the staffing and management of the service and how they would support the achievement of the key outcomes identified for the individuals in the service.

5.12 The method statement around social value was weighted at 5% of the total evaluation. This required tenderers to detail targets around social value across three council objectives:

- Employment, skills and economy
- Healthier Lewisham
- Training Lewisham’s Future

5.13 Tenderers were asked to detail their KPI social value targets for each contract in areas including digital inclusion for education and training, employment of London borough of Lewisham residents, and use of local businesses. Tenderers were also made aware that if they were successful across multiple contracts, they would be required to meet targets around the following social value KPIs:

- Number of school engagement offers delivered to LBL schools
- Number of LBL residents securing apprenticeships
- Number of volunteering opportunities for LBL residents, delivered within a supportive programme of training
- Demonstration of the commitment to work practices that improve staff physical and mental wellbeing and reduce absenteeism due to ill health
- Any accreditation that promotes health and wellbeing of service users’ staff

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and/or the wider community (Dementia Friendly, Disability Confident)

5.14 In the Invitation to Tender suppliers were advised that a maximum of three organisations who met the qualifying criteria, when the quality and financial scores were combined for each service, would be invited to interview.

5.15 Organisations that tendered for each service for each Lot are tabled below.

Lot 1 Supported Living:

Name of Provider	✓ = Services bid for						
	LDF2A	LDF2B	LDF2C	LDF2D	LDF2E	LDF2F	LDF2G
Access for Living	DID NOT BID						
Aurora Nexus	✓			✓		✓	✓
Brandon Trust	DID NOT BID						
CareTech Community Services	DID NOT BID						
Certitude	DID NOT BID						
Choice Support	DID NOT BID						
Community Integrated Care	DID NOT BID						
Creative Support	DID NOT BID						
Heritage Care	DID NOT BID						
Jordan Xavier Ltd (Three Counties Care)	DID NOT BID						
Lifeways Community Care	DID NOT BID						
Look Ahead Housing and Care	DID NOT BID						

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Nelbro Group	DID NOT BID						
Outlook Care	DID NOT BID						
PLUS		✓					✓
Royal Mencap Society	DID NOT BID						
Sense	DID NOT BID						
The Camden Society / Thera Trust	✓	✓		✓		✓	
Three Cs		✓	✓	✓	✓		✓
Voyage	DID NOT BID						

LOT 2: Registered Residential Care

Name of Provider	✓ = Services bid for		
	LDF2H	LDF2J	LDF2K
Access for Living			✓
Aurora Nexus	✓	✓	
The Brandon Trust	DID NOT BID		
Care Tech Community Services Ltd	DID NOT BID		
Eleanor Nursing and Social Care	DID NOT BID		
Lifeways Community Care	DID NOT BID		
Look Ahead Housing and Care	DID NOT BID		
Outlook Care	DID NOT BID		
Providence LINC United Services		✓	✓

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- 5.16 Interviews of shortlisted providers were held between 6th January and 14th January 2022. Interview panels were established for all 10 services included in LDF2. There was core panel membership for all interviews consisting of two Joint Commissioners from the Adults Joint Commissioning Team and the Adult Social Care Head of Service for Adults with Learning Disabilities and Transitions.
- 5.17 In addition, service users and families for all services were invited to participate as part of a single inclusive panel for that service. This was to ensure that the views and preferences of people directly experiencing the provision and their families were represented as part of the overall process. It would allow the testing of the potential providers' approach to the specific needs of the individuals whose services were being re-commissioned and allowed service users and their families to ask their own questions of providers.
- 5.18 Where service users and family member were unable to attend on-line interviews, prepared questions were asked on their behalf by the interview panel.
- 5.19 There were in total, 6 family members and 1 service user who took part in the interview process for LDF2.
- 5.20 The Interviews were used to further explore the quality criteria as specifically applied to each separate service. In addition to a range of prepared questions posed on the day, those providers being interviewed also had to deliver a prepared presentation. The presentation had to be easy to understand and accessible for all panel members, including service users and family members. The presentation needed to cover:
- Digital Inclusion: How will you support digital inclusion locally and in all aspects of service delivery for this service?*
- 5.21 Panel members asked questions related to the provider's ability to deliver the service in relation to meeting service user outcomes, social inclusion, quality assurance, capacity, staff competencies and collaboration with health and social care professionals.
- 5.22 The scores of all Panel members, council officers, service user and family members (where in attendance) were equally weighted and moderated into the combined quality and price scores for each bidder.
- 5.23 The total scores for the quality and finance submissions are shown at **Appendix 3**.

6 Synopsis of the Bids Received

- 6.1 Full synopsis of the bids received is set out in in section six and section seven of the Part 2 report.

7 Financial implications

- 7.1 This report recommends the award of 7 supported living contracts and 3 registered residential care service contracts. Each contract will be for a period of four years. These contracts are funded through the Package & Placement Budget. Further detail on cost and saving from the proposed award is contained within the Part 2 report.
- 7.2 The Council procures contracts totalling in value approximately £14 million per annum across the service categories covered by the Framework Agreement: This procurement covers approximately £2.5 million or 18% of the total annual value of Framework contracts.

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- 7.3 In order to submit a weekly price for each service they were bidding for service providers were provided with the current weekly cost of the service and anonymised care act assessments of individuals in the service.
- 7.4 In LDF2 providers were on the whole financially competitive, many submitting prices that were lower than the Commissioners price. The recommended providers have satisfactorily evidenced in the procurement process that this relates to strategic business positions, rather than a reduction in direct service provision.
- 7.5 In submitting bids suppliers had to confirm they would adhere to the Council's Framework supported living hourly and night rates throughout the life time of the contract.
- 7.6 The Council's framework rate is inclusive of the London Living Wage (LLW) as at 1st April 2021 (£10.85 per hour). However, it has been announced (November 2021) that the LLW will increase to £11.05 per hour. At the point these contracts are issued the Council will have made a decision on any fee uplifts for 2022/23 taking into account the uplift in LLW. If Framework rates are amended successful providers will have to conform to the new rates agreed.
- 7.7 Providers awarded contracts through this procurement process will therefore be required to continue to provide evidence that all staff are remunerated at rates equal to or above the LLW as standard terms and conditions of employment. The Contract will require providers to maintain the LLW for the lifetime of the Contract.
- 7.8 Any change in contract price, following award of contract, will be as a result of Council agreed uplifts or due to changing service user needs which could lead to either an increase or a decrease in price. Any changes agreed by the Council during the period of the contract will be applied in line with the Council's Framework Agreement.
- 7.9 The Framework Agreement has been commissioned on the basis of a 60% Quality & 40% Price weighting. This weighting reflects the need to appoint providers to the Learning Disability Framework Agreement who are committed to delivering economically efficient services, which are also of a high quality in the respect of the support provided and outcomes achieved. Local authorities have a duty under the Local Government Act 2003 to obtain best value in the procurement of works, services and supplies and to secure continuous improvement in the way they carry out their functions, having regard to a combination of economy, efficiency and effectiveness.
- 7.10 CreditSafe Reports for each organisation are set out in section 17.1 of the Part 2 report.

8 Legal implications

- 8.1 The report notes that a Framework Agreement was authorised by Mayor and Cabinet on 26 June 2019 and that the call off contracts would be procured in accordance with the Framework Agreement through mini competitions. Further, the report of 26 June 2019 noted that reports would be provided to Mayor and Cabinet to authorise the award of the call off contracts post procurement. Authority to start the procurement process was authorised by the Executive Director for Community Services on 11 October 2019.
- 8.2 The potential value of the call-off contracts means that the Find a Contract (formerly OJEU) threshold is exceeded. In compliance with the Council's Constitution (Contract Procedure Rules) and under the Public Contracts Regulations 2015, the procedures required by law in relation to the process of procurement need to be followed. Officers have reported that the services included in the report were tendered through an e-procurement process carried out using the London Tenders

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Portal and that the proposed awards represent best value for the Council. An analysis of the bids is contained within the part 2 report. Find a contract (formerly OJEU) reporting procedures will need to be followed on award as necessary.

- 8.3 The report also requests extensions of existing contracts for between 3-6 months before the awards take effect, for the reasons set in this report. The contracts were previously extended for Covid 19 related reasons. Rule 17 of the Council's Contract Procedure Rules allows for extensions of contracts in certain circumstances. These include necessary changes to purchase new works, services or supplies from the contractor and not included in the original procurement, or for changes to deal with unforeseen circumstances. This can only be relied on where a change of contractor would cause significant inconvenience (or substantial duplication of cost) or, a change of contractor cannot be made for economic or technical reasons. In addition, the change must not result in an increase in price of more than 50% of the total value of the contracts across their term. This price limit applies to each separate change however, it must not be used as a means of circumventing the procurement rules. The extensions requested meet the circumstances set out in Rule 17.
- 8.4 Where Rule 17 does not apply to certain contracts, Rule 18 applies which means an exemption from the Contract Procedure Rules is to be sought. The Rules say that an exemption can only be given in exceptional or unforeseen circumstances (Rule 18). When consideration is to be given as to whether an exemption should be approved, the following matters should be considered: • the nature of the market for the services to be provided has been investigated and is such that the proposed approach is justifiable; or the contract is for services that are required in circumstances of extreme urgency; or there are other circumstances which are genuinely exceptional; • it is in the Council's overall interest; and • there is no breach of legislation.
- 8.5 The award of the call off contracts and the granting of the proposed extensions is a key decision which should go in the forward plan.
- 8.6 The Public Services (Social Value) Act 2012 requires that when the Council is procuring services above the EU threshold it must consider, before commencing a procurement process, how the procurement might improve the social, economic and environmental wellbeing of the area. It must also consider how the procurement might be conducted to secure that improvement. The matters to be considered must only be those relevant to the services to be procured; and it must be proportionate in all the circumstances to take those matters into account. These requirements are part of the Council's Constitution (Part IV.I Contract Procedure Rules). Officers have reported on social value below.
- 8.7 The Council has a public sector equality duty (the equality duty or the duty - The Equality Act 2010, or the Act). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.8 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- 8.8.1 eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- 8.8.2 advance equality of opportunity between people who share a protected characteristic and those who do not.
- 8.8.3 foster good relations between people who share a protected characteristic and those who do not.

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- 8.9 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed above. The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for Mayor and Cabinet, bearing in mind the issues of relevance and proportionality. Mayor and Cabinet must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 8.10 The Equality and Human Rights Commission (EHRC) has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance. The Council must have regard to the statutory code in so far as it relates to the 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 on the EHRC website.
- 8.11 The EHRC has issued five guides for public authorities in England giving advice on the equality duty. 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.

9 Equalities implications

- 9.1 The Council has a public sector equality duty covering nine protected characteristics. These contracts concern the protected characteristic of Disability as the recommendations made in this report relate to one specific group of people with disabilities, people with a learning disability. Implementing these recommendations will not compromise the quality of support delivered to those affected as they will continue to be monitored through commissioning's contract monitoring arrangements. The Council will ensure that as individual contracts are re-let it will comply with the Equality Act 2010 and will not allow any unlawful discrimination.
- 9.2 The Council requires that contracts continue to be delivered in accordance with the principles laid out in the national plan "Building the right support" (2015) to develop community services and inpatient facilities for people with a learning disability and/or autism.
- 9.3 People with learning disabilities from black and minority ethnic communities often suffer from a double discrimination. In order to combat this, service specifications include specific sections on meeting the cultural and religious needs of users in the service. These standards and requirements are monitored as part of the overall contract monitoring arrangements.
- 9.4 Government reports such as 'Death by Indifference' have highlighted the risk to people with learning disabilities of being discriminated against in how their health and wellbeing is supported. The service specifications require providers to recognise their specific responsibilities for supporting people with their health through Health Action Plans, and working in partnership with generic primary and secondary health providers to meet these needs.

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10 Climate change and environmental implications

- 10.1 There are no specific environmental implications arising from this procurement process. However, procurement of the Framework Agreement required tenderers to demonstrate sound environmental, and sustainability practice, supported by robust policies and procedures. The Council's environmental objectives are further addressed in tenderers Social Value submission and targets set will be monitored within the Council's contract monitoring process for learning disability Frameworks contracts.

11 Crime and disorder implications

- 11.1 There are no specific crime and disorder implications arising from this piece of procurement. However, contract compliance measures around safeguarding, assertiveness and anti-bullying initiatives are built into service specifications.

12 Health and wellbeing implications

- 12.1 There are no specific health and well-being implications. Any service transfers involve no change in housing for service users and TUPE requirements mean that service staff in place prior to transfer will transfer to the new provider. This will help to maintain stability for the service user and continuity of staff support around the maintenance of activities and support for health and well-being during any transition.
- 12.2 It will be a requirement of both the existing and new provider to work together to manage any anxiety or worries that service users and their families have about the change of provider users and inform commissioners of any issues that may arise.

13 Social Value implications

- 13.1 The Public Services (Social Value) Act 2012 came into force on 31st January 2013. It is now a legal obligation in certain circumstances for local authorities and other public bodies to consider the social good that could come from the procurement of services before they embark upon it.
- 13.2 Social Value is defined as the additional economic, social and environmental benefits that can be created when Lewisham Council purchases services outside of the organisation.
- 13.3 Lewisham aims to agree social value through commissioning and procurement activities through four objectives:
- Employment, skills and economy
 - Training Lewisham's future
 - Making Lewisham Healthier
- 13.4 The procurement for LDF2 has required providers to detail how they would ensure social value across their contracts and provide the Council with targets covering the 3 objectives listed in 13.3.
- 13.5 Providers awarded the contracts for these services will therefore need to ensure that the Borough receives a strong added value offer from performance of these contracts.
- 13.6 Section 5.12 above details the specific social values set for the contracts tendered through this procurement exercise.
- 13.7 Progress against these will be monitored in line with the Council's Social Value Policy (2019) and will be built into the formal contract management and monitoring

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processes.

- 13.8 The Council has a stated commitment in its Corporate Strategy (2018-2022) to fair pay as a Living Wage employer and to increasing the number of Living Wage employers in Lewisham. The Framework Agreement has a contractual requirement that providers awarded contracts pay staff the London Living Wage as a minimum. This will also be monitored through the Council's contract management and monitoring processes.

14 Contract Management

- 14.1 A Contract Classification is determined by a combination of the level of contract risk, criticality and financial value. The classification for this contract is Tier 1, requiring a minimum of monthly contract management meetings with the provider and quarterly meetings for output monitoring.

15 Background papers

- 15.1 The table below sets out the main papers presented to Mayor and Cabinet regarding this proposal.

Title		Date	File Location	Contact Officer
COVID related contract extensions		24/03/21	Joint Commissioning Team, 3rd Floor, Laurence House	Heather Hughes, Joint Commissioning Lead, Complex Care & Learning Disability
Framework Agreement for Services to Adults with Learning Disabilities - Call off supported living contracts		05/02/2020	Joint Commissioning Team, 3rd Floor, Laurence House	Tom Bird, Joint Commissioner
Framework Agreement for the Provision of Services To Adults With Learning Disabilities 2019-2023 – Stage Two: Appointment to Framework		26/06/19	Joint Commissioning Team, 3rd Floor, Laurence House	Tom Bird, Joint Commissioner
Learning Disability Framework - Request for permission to re-procure contracts for Supported Living and Residential Care services through call off from the Framework		11/12/19	Joint Commissioning Team, 3rd Floor, Laurence House	Tom Bird, Joint Commissioner

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16 Glossary

Term	Definition
Contract Award	When an organisation or a provider is selected to deliver a service and asked to enter into a Contract.
Framework Agreement	A Framework Agreement provides an overarching agreement with potential suppliers to establish general terms and conditions governing contracts that may be awarded during the life of the Framework. It operates essentially as a list of preferred providers, who have evidenced competence and financial sustainability against a generic service specification at a competitive price.
LLW(London Living Wage)	means the hourly rate of pay as calculated and published annually by the Greater London Authority taking into account the higher cost of living in London and the rate of inflation
TUPE	means the Transfer of Undertakings (Protection of Employment) Regulations 1981 (as amended) and any subsequent amendments thereto
Social Value	is defined as the additional economic, social and environmental benefits that can be created when Lewisham Council purchases services outside of the organisation.

17 Report Author and Contact

- a. Joanne Lee, Joint commissioner. Email: joanne.lee@lewisham.gov.uk
- b. Comments for and on behalf of the Executive Director for Corporate Resources - Abdul Kayoum, Strategic Finance Business Partner (Community Services)Email: abdul.kayoum@lewisham.gov.uk
- c. Comments for and on behalf of the Director of Law, Governance and HR Mia Agnew (Ref JW) E-mail : mia.agnew@lewisham.gov.uk)

18 Appendices

18.1 Attached appendices to this report.

- Appendix 1 – Lot 1 & Lot 2 Quality Method Statements
- Appendix 2 – Quality and Financial Scores
- Appendix 3 – Service Descriptions

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APPENDIX 1 - Lot 1 & Lot 2 Quality Method Statements for LDF2: Supported Living and Registered Residential Care Services

Main Criteria	Criteria Weighting	Sub-criteria	Evidence	Method Statement
Support Hours	5%	Please clearly describe how you will monitor the use of individually allocated support hours (either as 1:1 or 2:1) and how you would evidence this to social workers and to commissioners and identify where support could be reduced?		MS5*
Community Participation	6%	Please demonstrate how you would ensure that community participation is meaningful and goes beyond community presence. Please then provide case study examples of where you have used an asset based approach to support people to identify opportunities for participation in their local community.	√	MS4*
Commissioners Statement – Service Specific	7%	From the information provided in the service specification: •What factors have you identified from the Commissioners Statement for this service that would influence the management and staffing of this service? •Please clearly explain how the service would ensure staff had the appropriate competencies of the service specification to deliver this service and meet the needs of the service users?		MS7*
Delivery of Outcomes – Service Specific	7%	From the information provided in the Service Specification and anonymised Care Act Assessments: •Please explain what you see as the <u>key</u> outcomes for each person in the service? •Please then outline how you would deliver these outcomes and enable optimum levels of independence?		MS8*

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Use of Assistive Technology	7%	<p>Please clearly describe where you see assistive technology, or technology in general, playing a more active part in the services for which you are bidding?</p> <p>Please then provide case study examples to support how you have introduced technologies that have helped people to live more independently and / or communicate more effectively.</p>	√	MS2
Service Change	8%	<p>Please clearly outline your service approach to supporting younger people into a service with older service users as part of transitioning the service to accommodate a younger user group.</p> <p>Please then explain how would you manage the sensibilities of those in situ and ensure that the service supports both those with different lifestyles?</p>		MS3
Managing Health Conditions	5%	<p>Please clearly describe how you would ensure service users get the appropriate support to manage their own health and health related conditions and how you would enable service users to manage infection control?</p> <p>Please then provide case study examples to support how you have done this in a way that has increased or maximised a person's independence.</p>	√	MS1
Social Value	5%	<p>Please complete the 'Target' column in Table 1 and then provide a detailed explanation in the box below as to how you propose to deliver Social Value as part of this contract and how you will meet the proposed Social Value targets over the life of the contract.</p> <p>A) Employment, Skills and Economy (3%) C) Healthier Lewisham (1%) D) Training Lewisham's Future (1%)</p>		MS6

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Climate Change (For information only)	N/A	Bidders are required to report on their corporate carbon emissions as an organisation using an accredited method; Please disclose what those emissions are. Please identify what actions or modifications they have included (if any) in relation to the goods or services tenderers are proposing that will reduce carbon intensity.		MS9
GDPR and Data Handling (For Information only)	N/A	Please provide a clear description of how you will store and manage data in relation to the proposed services - and how you will comply with GDPR regulations.		MS10
Video Presentation & Interview Technical Ability to Deliver the Service 10%	10%	Outcome of the video presentation - to be delivered at interview by a maximum of the top 3 bidders, providing service users, informal carers and key stakeholders the opportunity for input to and involvement in the tender evaluation process.		N/A

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Appendix 2 – Quality and Financial Scores for LDF2 – Supported Living and Registered Residential Care Services

Summary of Finance and Quality Scores for each Service post tender interviews

Quality Scores are out of 60

Financial Scores are out of 40

Total score is out of 100

A maximum of the 3 top scoring submissions were shortlisted for interview.

Ranking is given based on post-interview scores. Recommended providers are in bold.

LOT 1 – Supported Living

1. Service LDF2A (2 bids)

Tenderer	Quality Score	Financial Score	Total Score	Rank
The Camden Society (London)	51.00	37.77	88.77	1
Provider 2	46.00	40.00	86.00	2

2. Service LDF2B (3 bids)

Tenderer	Quality Score	Financial Score	Total Score	Rank
The Camden Society (London)	49.60	38.51	88.11	1
Provider 2	43.10	40.00	83.10	2
Provider 3	42.40	40.00	82.40	3

3. Service LDF2C (1 bid)

Tenderer	Quality Score	Financial Score	Total Score	Rank
Three Cs Support	42.80	40.00	82.80	1

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4. Service LDF2D (3 bids)

Tenderer	Quality Score	Financial Score	Total Score	Rank
Aurora Nexus	48.00	40.00	88.00	1
Provider 2	45.10	39.58	84.68	2
Provider 3	46.60	36.56	83.16	3

5. Service LDF2E (1 bid)

Tenderer	Quality Score	Financial Score	Total Score	Rank
Three Cs Support	44.80	40.00	84.80	1

6. Service LDF2F (3 bids)

Tenderer	Quality Score	Financial Score	Total Score	Rank
Aurora Nexus	46.60	40.00	86.60	1
Provider 2	48.30	34.08	82.38	2
Provider 3	43.10	38.90	82.00	3

7. Service LDF2G (2 bids)

Tenderer	Quality Score	Financial Score	Total Score	Rank
Aurora Nexus	45.30	40.00	85.30	1
Provider 2	44.10	38.10	82.20	2

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Lot 2- Registered Residential Care

8. Service LDF2H (1 bid)

Tenderer	Quality Score	Financial Score	Total Score	Rank
Aurora Nexus	47.80	40.00	87.80	1

9. Service LDF2J (2 bids)

Tenderer	Quality Score	Financial Score	Total Score	Rank
Aurora Nexus	48.50	40.00	88.50	1
Provider 2	44.00	39.80	83.80	2

10. Service LDF2K (2 bids)

Tenderer	Quality Score	Financial Score	Total Score	Rank
PLUS	43.00	40	83.00	1
Provider 2	Invalid Tender			

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APPENDIX 3 - SERVICE DESCRIPTIONS

LOT 1 – Supported Living

Service LDF2A

This is a service for 2 men who are of similar age, and have known each other from when both were working at a local café. The service requires a focus on progression awareness, active skills teaching to greater independence for the two men living in this service. It is recognised that one man has enormous potential to learn more skills and progress to live a greater independent life.

The property is a 3 bedroom, 60's built, 'town house', nicely appointed, close to a small parade of local shops with a wider range of shops within reasonable walking distance. The service is close to public transport options.

Service LDF2B

This is a service for 2 young female adults. Although both females are bright, lively, and articulate young women with clear goals around developing their skills and building friendships, they present quite differently in terms of support need. A positive risk approach, progression and positive care planning is key to enable independence for people in this service.

This property is semi-detached located on an estate in a quiet part of the borough close to shops and public transport.

Service LDF2C

This is a service occupied by 4 men and 1 women. This is a mixed group of people in age and needs, and there is potential to modernise the way in which the service is provided. However, this is also a challenging service as one man presents significant risks to himself as well as to other people in the service. This service requires robust management and effective risk management of high risk situations balanced against enabling service users to have greater independence and social inclusion. This service also lends itself to greater use of assistive technology to help people live more independently.

This property is a large 3 floor Victorian style double fronted house divided into 5 good sized flats. The property is close to public transport, shops and other amenities

Service LDF2D

This service currently supports 3 men who have complex and varying health needs. One man has deteriorating health needs and his progressive health condition needs monitoring. This service requires a personalised approach to care, and staff with skills and an understanding of the complex health needs for this group. There is one vacancy, which may be challenging to fill because of the need to match the existing tenants' presentations.

This property is a large and spacious 4-bed Victorian double fronted house not too far away from a large selection of shops, cafes, other amenities and public transport.

Service LDF2E

This is a mixed and stable service that supports 3 men and 2 women. The majority of people using this service are settled and have lived in the service for many years. Whilst people who

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live here are settled, they may aspire to more independent living as the tenants have significant skills, competency and capacity. This service requires an enabling approach and an increased range of inclusive activities for people to engage in both in the house and in the community. This service also requires very skilled and sensitive work with the individuals and their families.

The property is a two storey, double fronted house located close to public transport, local shops and a wider range of shops and restaurants, all within walking distance

Service LDF2F

This is a 5 person mixed service in terms of gender, age and health conditions. Peoples needs are very different and will become increasingly so. One man is no longer able to weight bare and requires a hoist for transfers. This service requires a focus on general skills building and creating an environment to support this. The staff team will need to manage challenging health presentations, be skilled in working with people with autism, dementia and people using communication aids.

The property is a modern end of terrace property close to local amenities and public transport. There is a one ground floor bedroom with en-suite facilities and a ceiling track hoist and is occupied by a man who is no longer able to weight bare and requires a hoist for transfers.

Service LDF2G

This is a service for 5 people with mixed abilities and needs. The service requires a total communication environment and a staff support team skilled in working with people with autism and anxiety related conditions, behaviour change management and positive care planning. Although this property is 6 bedded, this service is being recommissioned as a 5 person service. Two of the bedrooms are built to partial mobility standards and a ground floor bathroom can support someone who uses a wheelchair.

This two storey property is situated in a quiet, secluded location about 15 minutes from local shops and close to public transport

Lot 2 – Registered Residential Care

Service LDF2H

This is a service for five people, currently 2 men and three women. A focus of this service will be enabling people to progress to greater levels of independence over time and for people to have more control over their own lives so that they can reach their full potential. The service requires a team of support staff skilled in skills teaching, risk management, epilepsy management and using communication aids that enables expressive communication and independence. There is potential of de-registering this residential care service and transitioning the service to supported living accommodation.

This large two storey double fronted Victorian property is situated in a quiet, secluded location about 15 minutes from local shops and close to public transport.

Service LDF2J

This four bed service currently supports three females, one resident has moved in relatively recently. There is one void in this service, and commissioners are of the view that retaining the current gender balance will be a condition of future placement. This essentially means recommissioning the service as an all female service with the delivery of service supported by

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all female staff support team. The service requires a staff team skilled in risk assessment, management and de-escalation of challenging presentations, epilepsy management, focused skills teaching and using communication aids to increase independence.

This large Victorian property is in a good location with shops, a park, and bus stops only a 5 minute walk away.

Service LDF2K

This service accommodates 4 people with a mixed level of need and engagement in activities within the home and community. One of the people living there is female and their support is funded fully by health. Communication is very important in this service, as well as a holistic approach to health promotion and social inclusion. This service requires consistent management and staff support that can create change and sustain improvement. The team of staff require skills in recognising distress signs, skin state changes, catheter care, managing behaviour that challenges and using communication and health aids that support independence.

This large purpose built property is on the ground floor flat set in the grounds of a larger block of general housing flats. The house is located near a large supermarket, and has good transport links nearby.

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