

CABINET

4 OCTOBER 2011

GATEWAY 1 PROCUREMENT COMMENCEMENT: SUPPORTING PEOPLE SERVICES

Portfolio Holder: Councillor David Brake, Adult Services
Report from: Rose Collinson, Director of Children and Adults
Author: Ben Gladstone, Commissioning Portfolio Manager

Summary

This report seeks permission to commence the procurement of a range of services providing housing related support to vulnerable adults in Medway under the Supporting People programme. The existing services are provided under contract by organisations in the independent sector and are currently the subject of a contract extension until 31 March 2012. Details of the services included in this procurement project have been included as Appendix A to this report. Previous extensions to these contracts have been granted under the exemption to contract rules procedure.

This Gateway 1 report has been approved for submission to Cabinet after review and discussion at Children and Adults Directorate Management Team meeting on 25 August 2011 and the Strategic Procurement Board on 7 September 2011.

Children and Adults Directorate Management Team has recommended that this procurement project be approved as a Category B High Risk procurement project at Procurement Gateway 1 by Cabinet. This is because this procurement project is Services Category B High Risk procurement with a total contract value above £250,000.00 and there are political implications and/or service sensitivities that Cabinet should be aware of.

These political implications and/or service sensitivities are that these services provide support to vulnerable adults in Medway. Without these services, service users would be placed at increased risk of homelessness and would be more likely to enter crisis or emergency support.

1. Budget and Policy Framework

1.1 Service Background Information

1.1.1 The Supporting People programme in Medway encompasses a range of services providing housing related support to vulnerable groups across Medway. The current services provide support to approximately 2,800 people to live as independently as possible every year.

1.1.2 Housing related support is distinct from social care and housing or property management and is designed to ensure that a person is

supported to maintain a tenancy and/or secures the housing tenancy of their choice. The services are preventative in that they are proven to reduce the risk of homelessness and thereby the risk of service users entering crisis or emergency support.

- 1.1.3 At present, there are a total of 96 services provided under contract by 34 providers. Thirteen services are provided directly by Medway Council and the remainder by organizations from the independent sector.

1.2 Council's Strategic Priorities And Core Values

- 1.2.1 The procurement of this requirement directly links into the following Council Strategic Priorities and Core Values:

Core Values

- Giving value for money

This procurement requirement will deliver against the Core Value of 'Giving value for money' through securing efficiencies in service delivery and contract management by the consolidation of contracts into broad service areas or themes of spend. In addition, within the re-commissioned contracts, an increased emphasis will be placed on moving people towards independence with a reduction in the maximum time that any one person can be in receipt of support from the current two years to one year, which will enable the services to support a larger number of vulnerable people.

It is anticipated that this procurement process will result in cashable efficiency savings of 5% representing a current value of £55,000 p.a.

Strategic Priorities

- Children and young people having the best start in life in Medway

This procurement requirement will deliver against the Strategic Priority of 'Children and young people having the best start in life in Medway' through the joint commissioning and funding of services to support looked after children and those who are experiencing domestic violence in their home environment. The Supporting People programme will continue to work closely with Children's Social Care, and in particular the Commissioning team responsible for Looked After Children in Medway, both of whom are represented on the Commissioning Executive Group, the decision making body responsible for the strategic direction of the Supporting People programme in Medway.

- Adults maintain their independence and live healthy lives.

This procurement requirement will deliver against the Strategic Priority of 'Adults maintain their independence and live healthy lives through the procurement of housing related support services for vulnerable adults across Medway to maximise their chances of maintaining

independence and reducing the risk of them becoming homeless and presenting to emergency or crisis services.

1.3 Strategic Council Obligations

1.3.1 The procurement of this requirement directly links into the following Strategic Council Obligations:

- Medway Council Plan

This procurement requirement links into the Medway Council Plan through the contribution of Supporting People services to delivery of one of the core strategic objectives 'Adults maintain their independence and live healthy lives'. In addition, these services contribute to the objective of encouraging and supporting the improvement of the quality of life for Medway Council residents.

1.4 Departmental and Directorate Service Plans

1.4.1 This procurement requirement links into the Directorate Service Plan through the delivery objective to meet the targets set under the 'Think Local, Act Personal' initiative to continue the work of Putting People First and provide all those in need of social care and support with choices and control over the services they receive.

2. Background

2.1 Project Details

2.1.1 This procurement is a Services procurement requirement.

2.1.2 This report seeks permission to commence the retendering of current procurement contracts (see Appendix A for details) with a proposed contract duration of 3 years with provisions to extend for a contract duration of a further one year.

The contracts are proposed to commence on or around 1 April 2012 and conclude on or around 31 March 2015.

The total value of this procurement contract re-tender including any possible extensions is projected as circa £11 million.

2.1.3 This procurement requirement is a standalone project with no linkage to any other procurement projects or procurement programmes.

2.2 Business Case

2.2.1 Procurement Project Outputs / Outcomes

As part of the successful delivery of this procurement requirement, the following procurement project outputs / outcomes within the table below have been identified as key and will be monitored as part of the procurement project delivery process.

Outputs / Outcomes	How will success be measured?	Who will measure success of outputs/ outcomes	When will success be measured?
1. Service users are protected from harm and from harming others	An initial needs and risk assessment of all service users will be completed by the assessment service. Regular updates of needs and risks will be carried out by support worker and documented in the support plan.	Regular contract reviews and performance monitoring will be undertaken by the Social Care Commissioning Team.	At support plan reviews with the service user. Quarterly performance returns will detail the needs and risk assessments completed and any concerns.
2. Service users housing related needs are met and they are supported to set and achieve their goals.	Service users will have up-to-date support plans which enshrine a SMART approach to meeting their identified needs and achieving their goals. Processes place Service Users views at the centre of support and are managed by skilled staff and involve carers and other professionals.	Regular contract reviews and performance will be undertaken by the Social Care Commissioning Team.	Quarterly performance data returns will track the progress of service users towards meeting their personal objectives.
3. Service users are protected from abuse	All support providers will be well trained in the correct procedure in regard to Safeguarding Vulnerable Adults. Any SVA concerns raised	The procurement project will include these mandatory requirements within the service specification and contract terms.	The compliance with these standards will be checked at tendering (PQQ) stage. In addition, quarterly reviews of performance will include checks on

	by either staff or service users will be monitored. All those providing support will be required to hold current enhanced CRB clearance to work with vulnerable adults.	Regular checks will be carried out on staff premises by the Social Care Commissioning Team.	SVA concerns raised and the level of awareness and understanding of the correct procedures.
4. The different cultural, spiritual and physical access needs of individual service users are met.	Equalities and Diversity policies will be checked as part of the PQQ phase. Providers will be requested to outline how they will ensure that minority groups can access their services.	The Housing Gateway system will monitor all users of services and include data on gender, age, ethnicity, disability and regular reports will be produced to ensure that those accessing services come from diverse groups in Medway. Any incidents of discrimination will be dealt with in a robust manner	Management reports will be produced from the Gateway and reviewed at performance monitoring visits carried out by the Social Care Commissioning Team and at Gateway Project Board meetings.
5. Service users are fully involved in decisions regarding the support they receive and their concerns are heard and addressed.	Users, carers and other stakeholders are made aware of complaints procedures and how to use them. Service users are actively encouraged to raise any concerns or complaints and the outcomes of these complaints are communicated to them in a format appropriate to their needs. Service users involvement is facilitated via forums or similar structures that are part of the review of services.	Examples of service users involvement in service design will be requested by the Social Care Commissioning Team. A Service User Forum for the programme will be convened to review the complaints, concerns and suggestions for improvement. Changes will be made to service delivery as an appropriate outcome.	Evidence of service users involvement and examples of changes to services as a result of this activity will be requested at service reviews.

6. Service users privacy and confidentiality is maintained	Individual rights to privacy and confidentiality are set out in policies and procedures that all staff understand.	Compliance with Data Protection Act and respect for privacy and confidentiality will be a contractual requirement and checked at tendering stage.	Complaints and concerns will be monitored and reviewed at contract compliance meetings with providers.
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2.2.2 Procurement Project Management

This procurement project will be resourced through the following project resources and skills. The Commissioning Portfolio Manager (CPM) with responsibility for Supporting People will act as project manager for this procurement project. He will be assisted by a Performance and Compliance Officer within the Social Care Commissioning Team and supported by advice and guidance received from the Strategic Procurement Team. The CPM will work closely with recognised specialists to finalise service specifications and procurement documentation e.g. care managers, domestic violence coordinators.

2.2.3 Post Procurement Contract Management

The contract management of this procurement project post award will be resourced through the following contract management strategy. The Commissioning Portfolio Manager within the Social Care Commissioning Team (SCCT) will work with a dedicated Performance and Compliance Officer to mobilise the contracts post award.

Following this, a service review process will be implemented so that each provider will be subject to an annual review of service quality. In addition, regular contract review meetings will review outputs and outcomes detailed in section 2 of this report.

2.2.4 Other Issues

The following issues have been identified that could potentially impact both the procurement process and overall strategic aims as identified within Section 1 Budgetary and Policy Framework. The funding allocation during the proposed lifetime of these re-tendered contracts is uncertain. On 24 February 2011, Full Council agreed to reduce the funding allocated to the Supporting People programme by £1.139 million over the 2011/12 financial year. However, it is unclear as to how this funding will be affected over the medium term i.e. during the lifetime of the Comprehensive Spending Review period. The contract terms will need to be sufficiently flexible as to allow for the anticipated reduction in available funding for these services.

2.2.5 TUPE Issues

Further to guidance from Legal Services, Human Resources and the Strategic Procurement Team, it has been identified that TUPE may apply to this procurement process.

It has been identified that potentially 350 employees could be affected by TUPE resultant in the event that the incumbent provider is not successful as part of the procurement tender process.

3. Options

In arriving at the preferred option as identified within Section 4.1 'Preferred Option', the following options have been considered with their respective advantages and disadvantages.

3.1 Do nothing

The option of doing nothing is not a viable option because the contracts in this procurement project have already been subject to the exemption to contract rules procedure leading to a contract extension on more than one occasion. There is a need to test the market to comply with Medway Councils Contract Rules and Best Value principles. The Council is aware that organisations not currently part of the Supporting People programme are interested in providing services.

3.2 In-house service provision

The option of providing this requirement through in-house service provision has been considered but is not a viable option because insufficient expertise exists within the Council to provide the full range of services. In addition, the in-sourcing of these housing related support services would discourage competition within the market and destabilise the current and potential providers. Lastly, the direct provision of services is contrary to the Council's stated position of seeking to become a commissioner rather than a provider of services.

3.3 Using another local authority to deliver procurement requirements

The option of using another local authority to deliver procurement requirements has been considered and below are the advantages and disadvantages of this option:

Advantages

- Possible synergies with similar services e.g. domestic violence refuges
- Efficiency savings through larger cost and volume contracts and harmonisation of monitoring and reporting requirements
- Reduction of resource requirements to manage the procurement requirements.

Disadvantages

- Reduction in direct management and political control over procurement process
- Loss of Medway identity and ability to specify detailed requirements for Medway residents within a larger block contract.

It is noted that the neighbouring authority (Kent County Council) is in the middle of undertaking a similar procurement for housing related

support services and informal discussions have established that Kent County Council's approach will be different to Medway Council's. Kent County Council is prepared to pay above the Medway capped rate of £17 per support hour and is introducing a 'payment by results' element to all contracts. This price differential could have an impact on the attractiveness of Medway to any providers seeking to enter the market.

3.4 Procurement via an EU compliant framework

The option of using an EU compliant framework to deliver procurement requirements has been considered and no EU compliant frameworks have been identified from which Medway Council's procurement requirements can be satisfactorily delivered.

3.5 Formal tender process in line with EU Procurement Regulations

The option of formally tendering this procurement requirement in line with EU Procurement Regulations has been considered because the value of this procurement requirement is above the EU Procurement Threshold for Services of £156,442.00 and below are the advantages and disadvantages of this option:

Advantages

- This procurement project will ensure that the new contracts for housing related support services from 2012 are able to respond to and meet the diverse needs of vulnerable people.
- The procurement project will provide competitive tenders to ensure that the Council secures Best Value for the Medway taxpayer and allows potential new entrants opportunities to enter the market.
- The Council will have greater cost certainty following the tender exercise
- The procurement project will be structured so as to result in fewer, larger contracts grouped by themes of spend so that going forward the Council will realise efficiencies via less one-to-one relationships with 'lead' organisations. However, so that smaller organisations do not lose out in this process, the Council will allow subcontracting by the lead organisation providing that 'due diligence' has been completed.

Disadvantages

- The formal tender process will require significant resources from the Social Care Commissioning Team and is likely to take between 4- 6 months to ensure that the process meets requirements set by EU Procurement Regulations in line with a Part B Services tender procedure and is fully compliant with Medway Councils Contract Rules.

3.6 Internal Medway Council Collaboration between departments

The option of procuring requirements through internal collaboration between Medway Council departments in order to exploit economies of scale and synergies has been considered and below are the advantages and disadvantages of this option:

Advantages

- Potential to realise efficiencies through economies of scale by commissioning similar services by theme of spend.
- Combining resources to meet similar desired outcomes for service users
- Reduced burden of monitoring and reporting to multiple funding streams for service providers.

Disadvantages

- Risk of multiple conflicting objectives of commissioning departments
- Lack of fit with timescales for commissioning services.

3.7 External public sector collaboration (e.g. other Councils, Fire Service, PCT, Police)

The option of procuring requirements through external collaboration between Medway Council and other external public sector organisations in order to exploit economies of scale and synergies has been considered but no such opportunities exist.

3.8 Private sector collaboration e.g. Private Public Partnering/Private Finance Initiatives

The option of procuring requirements through private sector collaboration between Medway Council and other external private sector organisations has been considered but no such opportunities exist.

3.9 Procurement via a below EU Threshold Select List

No below EU Threshold compliant Select Lists have been identified from which Medway Council's procurement requirements can be satisfactorily delivered.

3.10 Other alternative options

No alternative options have been identified.

4. Advice and analysis

4.1 Preferred option

Further to an extensive review of procurement options as highlighted within Section 3 'Options' above, the following preferred option is recommended to Cabinet.

Option 3.5 above is identified as the preferred option for the following reasons:

- The current contracts have not been subject to competition for a number of years and have instead been the subject of

extensions covered by the exemption to contract rules procedure on a number of occasions. To extend these contracts further would place the Council at an increased risk of legal challenge under EU Procurement Regulations and/or compliance with Council's Contract Procedure Rules.

- This procurement project will ensure that the new contracts for housing related support services from 2012 are able to respond to and meet the diverse needs of vulnerable people.
- The procurement project will provide competitive tenders to ensure that the Council secures Best Value for the Medway taxpayer and allows potential new entrants opportunities to enter the market.
- The Council will have greater cost certainty following the tender exercise
- The procurement project will be structured so as to result in fewer, larger contracts grouped by themes of spend so that going forward the Council will realise efficiencies via less one-to-one relationships with 'lead' organisations. However, so that smaller organisations do not lose out in this process, the Council will allow subcontracting by the lead organisation providing that 'due diligence' has been completed.

4.2 Equality Act 2010

4.2.1 When considering making changes to any service provision, the Council must have due regard to its equalities duties set out in s149 of the Equality Act 2010. The general duty on the Council is to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act, to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

4.2.2 The procurement project has been subject to a Diversity Impact Assessment (attached as Appendix B). The procurement of this project will not have an adverse affect on the equality of access to the Supporting People services.

4.2.3 The re-commissioned services will operate inclusively for eligible individuals across all vulnerable groups in Medway. The proposed structure for the new contract will give greater flexibility to managing different types of need e.g. language; culture and religion; disability. In addition, the new contract terms will include the ability to personalise the services to allow users greater choice and flexibility about who delivers their service and how it is delivered.

4.2.4 The Council's Equalities Policy will be followed during the management of the tender process, including an evaluation of the tenderers' equalities and diversity policies concerning employment practice and service delivery. The contract for the new service will include explicit requirements in respect of the Council's duties under equalities legislation.

4.2 Corporate Sustainability Plan

The procurement project will be delivered in line with the Corporate Sustainability Plan and will be in accordance with all relevant health and safety legislation. Tenderers will be requested to submit relevant Health and Safety Policies or demonstrate that they meet recognized standards of accreditation bodies.

5. Risk Management

5.1 Risk Categorisation

The following risk categories have been identified as having a linkage to this procurement project:

Procurement process	<input checked="" type="checkbox"/>	Equalities	<input type="checkbox"/>
Contractual delivery	<input checked="" type="checkbox"/>	Sustainability / Environmental	<input type="checkbox"/>
Service delivery	<input checked="" type="checkbox"/>	Legal	<input type="checkbox"/>
Reputation / political	<input checked="" type="checkbox"/>	Financial	<input checked="" type="checkbox"/>
Health & Safety	<input type="checkbox"/>	Other	<input type="checkbox"/>

For each of the risks identified above in OPTION B, further information has been provided below.

Risk Categories	Outline Description	Risk Impact I=Catastrophic II=Critical III=Marginal IV=negligible Impact	Risk Likelihood A=Very High B=High C=Significant D=Low E=Very Low F=Almost Impossible	Plans To Mitigate Risk
a) Procurement process	Council decision making process affects procurement project, resulting in delays and cost increases	II	D	Procurement Project is well planned with Procurement and Cabinet dates built into the timeline
b) Contractual delivery	Failure of contractors to deliver contractual arrangements	II	D	Inclusion of Contract monitoring procedures within the contract documents.

				Default clauses are part of the contract documentation.
c) Service delivery	Contractor fails to deliver service to the Councils expected standards	II	E	Detailed specifications with key milestones and Performance indicators will be set. Regular performance reviews will be timetabled and
d) Reputation / political	Disruption caused to service users, should the need to transfer service provider arise	III	C	Communication strategy to underpin the Transition Plan setting out the Council's response to service users and their carers and providers affected by the decisions.
e) Legal	TUPE transfers of staff problematic for new service provider	II	C	Tenderers will be made aware at tendering stage that TUPE may apply and full disclosure of current staff liabilities will be included in information provided to interested providers.
f) Financial	Uncertainty over future level of grant funding allocated to the Supporting People programme from the Formula Grant allocation to	II	B	Flexibility will be built into all new contracts to allow for changes in the level of grant funding linked to the allocation for the Supporting People programme likely to be

	Medway Council.			approved by Full Council in February 2012
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6. Consultation

6.1 Internal (Medway) Stakeholder Consultation

6.1.1 Before commencement of the procurement process in order to direct the specification

As part of this procurement project, the following internal stakeholder consultation has been undertaken before the commencement of the procurement project in order to direct the specification.

- Discussions with colleagues from Children's Services, Probation, Housing and Health via the Commissioning Executive Group concerning the opportunities for joint commissioning
- Workshops with representatives from across all client categories to discuss what is going well, and any perceived gaps within the current service. Discussions have also included colleagues from the Learning Disability Partnership Board.

6.1.2 During the procurement process in order to aid the evaluation process

As part of this procurement project, the following internal stakeholder consultation is required during the procurement process in order to aid the evaluation process

- Workshops with colleagues from the Finance team to discuss various models for evaluating pricing submissions and other appropriate financial checks.
- Workshops with representatives from across all client categories to ascertain the key deliverables and evaluation criteria
- Further consultation with Legal and corporate procurement colleagues will be undertaken as part of the preparation of the tender specifications and supporting documents for Gateway 2.

6.1.3 Post procurement/tender award in order to aid the contract management process

As part of this procurement project, the following internal stakeholder consultation is required post procurement/tender award in order to aid the contract management process

Ongoing consultation with teams from across all client categories to aid the contract management process.

6.2 External Stakeholder Consultation

6.2.1 Before commencement of the procurement process in order to direct the specification

As part of this procurement project, the following external stakeholder consultation is required before the commencement of the procurement project in order to direct the specification:

- An open supplier event to discuss with potential providers the proposed models of service delivery
- Consultation with service users on the proposed services and suggested changes.

6.2.2 During the procurement process in order to aid the evaluation process

As part of this procurement project, service user and carer input will be sought during the procurement process in order to aid the evaluation process. This will include representation during the interview processes.

6.2.3 Post procurement/tender award in order to aid the contract management process

As part of this procurement project, service reviews will be conducted on a quarterly basis with all stakeholders being provided with the opportunity to demonstrate service quality using a standardised template for influencing the overall quality score. This is an innovative approach to maintaining and improving the quality of service provision as organisations must consistently deliver a service to meet the needs of service users and maximise their chances of independence in order to be awarded the highest score.

7. Strategic Procurement Board

7.1 The Strategic Procurement Board considered this report on 7 September 2011 and recommended approval to the Cabinet.

8. Financial, legal and procurement implications

8.1 Financial Implications

8.1.1 This procurement requirement and its associated delivery as per the preferred option highlighted at Section 4.1 'Preferred Option' and the recommendations at Section 9, will be met from the existing Supporting People budget (part of the Formula Grant), within the Children and Adult Services directorate's overall revenue budget.

8.1.2 Uncertainty over future level of grant funding to the Supporting People programme from the Formula Grant allocation to Medway Council means that flexibility will need to be built into all new contracts to allow for any changes in the level of grant funding linked to the allocation for the Supporting People programme likely to be approved by Full Council in February 2012.

8.1.3 Detailed finance and whole-life costing information is contained within Section 2.1 Finance and Whole-Life Costing of the Exempt Appendix.

8.2 Legal Implications

8.2.1 This procurement requirement and its associated delivery as per the preferred option highlighted at Section 4.1 'Preferred Option' and the recommendations at Section 9, has the following legal implications which Cabinet must consider.

8.2.2 Although the estimated value of the proposed contract is in excess of the EU threshold for service contracts, these services are Part B services under the Public Contracts Regulations 2006 (as amended) which means that only some of the EU procurement rules apply – namely, obligations relating to technical specifications (i.e. non-discriminatory specification requirements) and post-award information (i.e. a requirement to send a Contract Award Notice to the Office of Publication of the OJEU). It is NOT RECOMMENDED that the Council formally tender this procurement in line with procedures under EU procurement Regulations. A decision to formally tender this procurement in line with the EU Procurement Regulations will mean that the procurement will be subject to the full procurement regime including the mandated contract award procedures and minimum timescales between the various procurement stages set out in the Regulations. Instead and subject to what is said below, the Council can have the flexibility to follow an award procedure of its own design.

8.2.3 It is established case law that the award procedures for contracts must also comply with the general principles derived from the Treaty on the functioning of the European Union, in particular the principle of equal treatment and the consequent obligation of transparency. This means that the contract should still be given a sufficient degree of advertising necessary in order to alert likely potential suppliers of the opportunity to bid. Competition remains the main mechanism by which the Council can ensure both improvements in quality and innovation of service provision, and value for money.

8.2.4 The invitations to tender will still need to be accompanied by agreed evaluation criteria that are designed to determine the bid that represents the best solution to deliver the specified requirements. The best value for money bid will be that which is judged to offer the optimum combination of service capability and quality (including safeguarding standards, safety, deliverability and other specified areas).

8.2.5 Recent case law in relation to Part B services suggests that one should not automatically assume that there is no need to allow a standstill period when awarding such a contract. The case law suggests a need to consider for every contract whether there are any "exceptional circumstances" which would require there to be a standstill period, applying the principles of Community law.

8.3 Procurement Implications

8.3.1 This procurement requirement and its associated delivery as per the preferred option highlighted at Section 4.1 'Preferred Option' and the

recommendations at Section 8, has the following procurement implications which the Cabinet must consider:

- 8.3.2 The value of the proposed procurement activity is above the EU threshold for Services, currently set at £156,442.00 and also qualifies as a "Part B" service within the ambit of the EU Procurement rules. Such part B procurement activities are not subject to the full regime of the EU rules except for limited rules that include rules on technical specifications, obligation to publish contract award notice, the obligation to keep statistical and other reports, provision of reports as well as the general rules concerning the publication of notices). Such procurement activities must also be let in compliance with underlying EU treaty principles such as advertising, non-discrimination of tenderers and equal treatment.
- 8.3.3 Accepted interpretation of the EU rules on advertising provide that where an award may be of interest to Providers in other member states, then it is likely that simply contacting a number of potential tenderers will be considered insufficient advertising to enable the services to be opened up to competition, ensure an impartial procurement award procedure and provide value for money.
- 8.3.4 In determining whether an award will be of interest to Providers in other member states, relevant factors such as the estimated value of the proposed procurement activity, the size and structure of the sector concerned and the geographic location of performance are considered relevant.
- 8.3.5 The use of portal websites such as OJEU, the internet and other related trade journals are deemed sufficient to ensure wider coverage as this will stimulate sufficient competition. In view of the proposed value of this project, the client department is advised to consider exposing the requirement to the advertising requirements as set out in the Council's contract procedure rules and the interpretation of the requirements of advertising under EU rules as stated above following receipt of approval by the Council's Strategic Procurement Board to commence this procurement activity.
- 8.3.6 The client department is also advised of the need to engage strategic procurement for guidance at Gateway 2 to ensure a compliant and robust tender process is followed and compliant tender documentation are issued to prospective Tenderers.

9 Recommendation

- 9.1 Cabinet is asked to approve the re-procurement of housing related support services as per the preferred option highlighted at Section 4.1 'Preferred Option' - Formal tender process in line with EU Procurement Regulations.

10 Suggested reasons for decision(s)

- 10.1 The recommendations contained within Section 9 'Recommendations' above are provided on the basis that this method of procurement will provide the opportunity to deliver much improved services. These services will be supported by a robust objective to improve service

quality and maximise independence for service users ensuring that more vulnerable people can have access to services that meet their needs and aspirations.

Lead officer contact

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Background papers

The following documents have been relied upon in the preparation of this report:

Description of document	Location	Date
Supporting People Strategy 2010-13	http://www.medway.gov.uk/pdf/Supporting%20People%20Strategy.pdf	2010
Gateway 1 report: Re-commission of Accommodation-based and Community-based Supporting People services.	http://democracy.medway.gov.uk/mgConvert2PDF.aspx?ID=3842	13 October 2009

Appendices

Description of document	Location	Date
Details of the services included in this procurement project	Appendix A	30/08/11
Diversity Impact Assessment	Appendix B	30/08/11

Gateway 1- Supporting People Services- Appendix A

Current Service Provider	Service Description	Units	Service Type	Client Group	Contract Start Date	Contract End Date
AMAT	Substance Misuse Accommodation Based	15	Accommodation based	Substance Misuse	07/06/10	31/03/12
Casa Support (Amicus Horizon)	Medway Women's Refuge	8	Accommodation based	Refuge (DV women)	23/08/06	31/03/12
Riverside ECHG	Towers Point	15	Accommodation based	Homeless	01/04/06	31/03/12
Riverside ECHG	Regent House	30	Accommodation based	Homeless	28/11/05	31/03/12
Equinox	Victoria Centre	72	Floating	Substance Misuse	01/04/06	30/09/11
Hope	Hope	14	Accommodation based	Offenders	12/10/06	31/03/12
In Touch Support	Outreach	120	Outreach	Generic	01/10/06	31/03/12
In Touch Support	Floating Support for Young Adults	40	Floating	Young People	05/01/09	31/03/12
Langley House Trust	The Shrubbery	15	Accommodation based	Offenders	01/01/06	31/03/12
Langley House Trust	Women's Project	12	Accommodation based	Offenders	01/01/06	31/03/12
Medway Cyrenians	Homelessness	48	Accommodation based	Homeless	13/10/06	31/03/12
MHS Community Charity	Springboard	9	Accommodation based	Young People	01/11/06	31/03/12
MHS Community Charity	Endeavour	27	Accommodation based	Young People	01/10/09	31/03/12
Moat Housing Association	Domestic Violence	6	Accommodation based	Refuge (DV women)	01/04/06	31/03/12
Shaftesbury & Arethusa	Doust House	8	Accommodation based	Young People	01/08/06	31/03/12
Shaftesbury & Arethusa	Medway Intensive	25	Accommodation based	Young People	01/04/07	31/03/12
Stonham (Home Group)	Elizabeth Court	12	Accommodation based	Young People	18/02/06	31/03/12
West Kent Housing Association	Floating Support	300	Floating	Generic	03/10/06	31/03/12
West Kent Housing Association	Assessment Service	30	Assessment	Generic	03/10/06	31/03/12
Women Support Services (WSS)	Women's Support Service	40	Floating	DV Women	01/04/06	31/03/12

Appendix B - Diversity Impact Assessment: Screening Form

Directorate Children and Adults	Name of Function or Policy or Major Service Change Supporting People Services: Gateway 1 report on re-commissioning of housing related support services		
Officer responsible for assessment Ben Gladstone, Commissioning Portfolio Manager	Date of assessment 22 nd August 2011	New or existing? Existing service	
Defining what is being assessed			
1. Briefly describe the purpose and objectives	<p>The Supporting People programme in Medway encompasses a range of services providing housing related support to vulnerable groups across Medway. The current services provide support to approximately 2,800 people to live as independently as possible every year.</p> <p>Housing related support is distinct from social care and housing or property management and is designed to ensure that a person is supported to maintain a tenancy and/or secures the housing tenancy of their choice. The services are preventative in that they are proven to reduce the risk of homelessness and thereby the risk of service users entering crisis or emergency support.</p> <p>At present, there are a total of 96 services provided under contract by 34 providers. Thirteen services are provided directly by Medway Council and the remainder by organizations from the independent sector.</p>		
2. Who is intended to benefit, and in what way?	<p>The recommissioned Supporting People services will operate inclusively for eligible individuals across all vulnerable groups living in Medway. The proposed structure for the new contract will include obligations for all service providers to take full account of the different types of need e.g. language; culture and religion; disability. In addition, those using the services will have greater choice and flexibility about who delivers their service and how it is delivered. The Council's Equalities Policy will be followed during the management of the tender process, including an evaluation of the renderers' equalities and diversity policies concerning employment practice and service delivery. The contract for the new service will include explicit requirements in respect of the Council's duties under equalities legislation.</p>		
3. What outcomes are wanted?	<ul style="list-style-type: none"> ➤ Service users are protected from harm and from harming others ➤ Service users housing related needs are met and they are supported to set and achieve their goals with a view to maximising their independence and minimising the need for long term support 		

	<ul style="list-style-type: none"> ➤ Service users are protected from abuse ➤ The different cultural, spiritual and physical access needs of individual service users are met. ➤ Service users are fully involved in decisions regarding the support they receive and their concerns are heard and addressed ➤ Service users privacy and confidentiality is maintained 	
<p>4. What factors/forces could contribute/detract from the outcomes?</p>	<p>Contribute</p> <p>Services support individuals to achieve their personal objectives set in their support plan and become independent in the community with minimal support in the longer term.</p> <p>Services have expertise in provision of housing related support and are focused on person-centred planning and risk management.</p> <p>Services have strong partnerships with community organisations and have well-established pathways that are easily accessible to target group.</p> <p>Family/carer advice and support alongside commissioned services</p>	<p>Detract</p> <p>Services do not routinely collect information about the impact of services through user outcomes, and user feedback.</p> <p>User profile by age, ethnicity, disability, gender, religious belief or sexual orientation is not analysed in service operation plans to better respond to the specific needs of existing and potential clients accessing the services.</p> <p>Service outcomes are unclear or not recorded.</p>
<p>5. Who are the main stakeholders?</p>	<p>Vulnerable Adults</p> <p>Family members, including children and carers of the person receiving service.</p> <p>Internal and external health and social care organisations in the community including:</p> <ul style="list-style-type: none"> ➤ Housing ➤ Police ➤ Probation ➤ NHS Kent and Medway ➤ Children's Services 	
<p>6. Who implements this and who is responsible?</p>	<p>Medway Council is responsible for providing housing related support for vulnerable adults who are assessed as in need of this type of support and who meet the Council's eligibility criteria. For these clients, services are commissioned to meet their assessed needs.</p>	

Assessing impact		
7. Are there concerns that there <u>could</u> be a differential impact due to <i>racial/ethnic groups</i>?		There is no evidence to suggest that the retendering process will make a differential impact to any black and other minority ethnic (BME) group. The updated specification will also have regard, and be sensitive to the needs and access of the local BME community and BME clients
	NO	
What evidence exists for this?	Existing data from the Housing Gateway indicates that the numbers of those from BME groups in Medway accessing housing related support services are in line with the demographic mix of the population of Medway.	
8. Are there concerns that there <u>could</u> be a differential impact due to <i>disability</i>?		There is no evidence to suggest that the retendering process will make a differential impact to disability. The updated specification will also have regard, and be sensitive to, the needs of clients identifying a disability for which appropriate adjustments will be necessary
	NO	
What evidence exists for this?	Specialist housing support services will be re-commissioned to meet the need of specific groups with a disability as well as 'generic' services for those with a wide range of support needs.	
9. Are there concerns that there <u>could</u> be a differential impact due to <i>gender</i>?		There is no evidence to suggest that the retendering process will make a differential impact in relation to gender. The updated specification will also have regard, and be sensitive to gender.
	NO	
What evidence exists for this?	Analysis from Housing Gateway suggests that there is a balanced representation of both male and female service users accessing current service provision.	
10. Are there concerns there <u>could</u> be a differential impact due to <i>sexual orientation</i>?		There is no evidence to suggest that the retendering process will make a differential impact in relation to sexual orientation. The updated specification will also have regard, and be sensitive to sexual orientation.
	NO	
What evidence exists for this?	The information collected by the existing services about referrals and clients receiving a service from the existing providers during the last 12 months shows there is no record of difference related to sexual orientation	
11. Are there concerns there <u>could</u> be a have a differential impact due to <i>religion or belief</i>?		There is no evidence to suggest that the retendering process will make a differential impact based on religion or belief. The updated specification will also have regard, and be sensitive to religion and belief.
	NO	
What evidence exists for this?	The information collected by the existing services about referrals and clients receiving a service from the current providers during the last 12 months shows no record of differences related to the person's religion or belief.	

<p>12. Are there concerns there <u>could</u> be a differential impact due to people's age?</p>	<p>NO</p>	<p>There is no evidence to suggest that the retendering process will make a differential impact based on client's age. The updated specification will also have regard, and be sensitive to the age of the client.</p>
<p>What evidence exists for this?</p>	<p>The information collected by the existing services about referrals and clients receiving a service from the current providers during the last 12 months shows no record of differences based on the age of the clients referred or provided with a service</p>	
<p>13. Are there concerns that there <u>could</u> be a differential impact due to <i>being transgendered or transsexual</i>?</p>	<p>NO</p>	<p>There is no evidence to suggest that the retendering process will make a differential impact in relation to clients being transgendered or transsexual. The updated specification will also have regard, and be sensitive to the potential differential impact of clients and potential clients being transgendered or transsexual.</p>
<p>What evidence exists for this?</p>	<p>The information collected by the existing services about referrals and clients receiving a service from the current providers during the last 12 months shows no record of differences related to clients being transgendered or transsexual.</p>	
<p>14. Are there any <i>other</i> groups that would find it difficult to access/make use of the function (e.g. speakers of other languages; people with caring responsibilities or dependants; those with an offending past; or people living in rural areas)?</p>	<p>NO</p>	<p>To our best knowledge there are no other groups or persons who will face difficulties as a result of this retendering exercise.</p>
<p>What evidence exists for this?</p>	<p>The information collected by the existing services about referrals and clients receiving a service during the last 12 months has been examined to see whether other groups may have experienced particular issues in accessing and using the services.</p>	
<p>15. Are there concerns there <u>could</u> be a differential impact due to <i>multiple discriminations</i> (e.g. <u>disability and age</u>)?</p>	<p>NO</p>	<p>The information collected by the existing services about referrals and clients receiving a service during the last 12 months has been examined to see whether other groups may have experienced particular issues in accessing and using the housing related support service. There is no evidence of specific difficulties related to access or use.</p>
<p>What evidence exists for this?</p>	<p>There is no evidence to suggest that the retendering process will make a differential impact to those clients facing multiple discriminations. The updated specification will also have regard, and be sensitive to, the potential differential impact for clients and potential clients facing multiple discriminations.</p>	

Conclusions & recommendation		
16. Could the differential impacts identified in questions 7-15 amount to there being the potential for adverse impact?		Cumulatively there is no evidence to suggest that the retendering exercise will bring about an adverse impact.
	NO	
17. Can the adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or another reason?	YES	Not applicable.
	NO	
Recommendation to proceed to a full impact assessment?		
NO	This function/ policy/ service change complies with the requirements of the legislation and there is evidence to show this is the case.	
NO, BUT ...	What is required to ensure this complies with the requirements of the legislation? (see DIA Guidance Notes)?	Minor modifications necessary (e.g. change of 'he' to 'he or she', re-analysis of way routine statistics are reported) Not applicable.
YES	Give details of key person responsible and target date for carrying out full impact assessment (see DIA Guidance Notes)	Not applicable.

Action plan to make Minor modifications		
Outcome	Actions (with date of completion)	Officer responsible

Planning ahead: Reminders for the next review	
Date of next review	August 2012
Areas to check at next review (e.g. new census information, new legislation due)	Updated data analysis from Housing Gateway system. Data from service providers on equalities and diversity. Reports from service user and stakeholder consultation events.

<p>Is there <i>another</i> group (e.g. new communities) that is relevant and ought to be considered next time?</p>	<p>We do not believe there is another group that should be considered but we will consider this again at the time of the Review.</p>	
<p>Signed (completing officer/service manager)</p>	<p>Date</p>	
<p>Signed (service manager/Assistant Director)</p>	<p>Date</p>	

Evidence:

- Data from Housing Gateway system
- Quarterly services monitoring reports
- Feedback from Service user and other stakeholder consultations