

TITLE OF REPORT

Request to access Waltham Forest Framework for Supported Living Services for People with: Learning Disabilities, Mental Health and/or Physical Disabilities.

BUSINESS CASE

Key Decision No: CACH Q98

CPC MEETING DATE 7 September 2020	CLASSIFICATION: Open If exempt, the reason will be listed in the main body of this report.
WARD(S) AFFECTED All	
CABINET MEMBER Cllr Christopher Kennedy Health, Adult Social Care, and Leisure	
KEY DECISION Yes REASON	

GROUP DIRECTOR

Anne Canning, Group Director Children, Adults and Community Health

1. CABINET MEMBER'S INTRODUCTION

- 1.1. This report requests approval to call off the Waltham Forest Supported Living framework that will provide services to adults of working age with Learning Disabilities, Mental Health and/or Physical Disabilities.
- 1.2. This puts in place a formal mechanism to support the Local Authority to discharge its duty under the Care Act 2014 to meet the care and support needs of these individuals.
- 1.3. This will also deliver on the Mayoral commitment to promoting independence in adult social care and delivering high quality services to those who need support.

2. GROUP DIRECTOR'S INTRODUCTION

- 2.1 The London Borough of Waltham Forest (LBWF) seeks to procure a framework agreement for supported living services for people who have Care Act eligible needs for accommodation-based support arising from mental health, learning disability or physical disability.
- 2.2 This report is seeking approval for the London Borough of Hackney (LBH) to call off this framework agreement once in place, so as to commission outcome focused supporting living services.
- 2.3 The intention is to be able to call off from its proposed start on 4th Jan 2021, as and when required to place individuals in need of supported living. The framework lasts for 4 years.

3. RECOMMENDATION(S)

- 3.1 **The Cabinet Procurement Committee is recommended to:** Grant approval for London Borough of Hackney (LBH) to join and call off from the London Borough of Waltham Forest's (LBWF) four year supported living framework.
- 3.2 **The Cabinet Procurement Committee is recommended to:** delegate approval to call off from the framework to the Director of Adult Social Care.

4. RELATED DECISIONS

- 4.1 There are no related decisions.

5. OPTIONS APPRAISAL AND BUSINESS CASE (REASONS FOR DECISION)

- 5.1.1 Supported Living is a model of housing and support developed by the disabled community as an alternative to institutional models of accommodation-based support.
- 5.1.2 The main principles of supported living are that:
 - People with disabilities own or rent their home (have a valid tenancy).

- Have control over the support they get.
 - Who they live with (if anyone).
 - How they live their lives.
 - Supported living assumes that all people with disabilities, regardless of the level or type of disability, are able to make choices about how to live their lives even if the person does not make choices in conventional ways.
- 5.1.3 Supported living should be a flexible model of care, delivered out of the individual's home which they have rights to under ownership or tenancy.
- 5.1.4 The framework allows access to a range of fully vetted providers, via procurement, to meet the diverse and varied needs of service users.
- 5.1.5 Where possible, supported living accommodation is sought within Hackney, so people can live near friends and family, but at times this is not possible if there is nothing suitable locally. Being able to call off this framework will enable people to live close to home, or in a neighbouring borough, in settled accommodation via an appropriate contracting mechanism.
- 5.1.6 Demand for supported living is increasing, since it offers those with significant needs settled accommodation and support within the community.
- 5.1.7 The supported living services on the LBWF's framework will be for individuals who have Care Act eligible needs with a learning disability, mental health problem and/or physical disability who are assessed as requiring a supported living package of care to meet their needs. Residential care, nursing care, extra care and homecare are excluded from this framework.
- 5.1.8 At present LBH tends to use spot purchase mechanisms for supported living in Learning Disabilities, physical disabilities and mental health.
- 5.1.9 LBH wishes to move towards framework agreements and similar arrangements. This allows us to:-
- a) Develop positive relationships with providers (including outside of Hackney, where there is limited supply).
 - b) Provide us with a better view on quality of provision, including requirements relating to infection control in the current situation.
 - b) Accommodate growing need due to increased people preparing for adulthood.
 - c) Ensure that a community setting is always the first choice to support people's independence and connection to the community wherever possible.
- 5.1.10 The framework agreement will also promote fair competition, consistency and help to ensure best value.
- 5.1.11 The LBWF's framework has lots that are defined by the nature and complexity of service users need; to ensure that packages of care determined for supported living are personalised to the individual rather than focusing on the delivery of service hours.
- 5.1.12 Consideration was given to LBH joining this Framework on the grounds that it strengthens contracting and supports choice for our clients. Additionally, there is no obligation to call off if LBH does join, so there is no obligation to make placements unless there is a need.

5.1.13 **BENEFITS REALISATION / LESSONS LEARNED**

5.1.14 LBWF previously had a supported living framework for people with learning disabilities. Following review they decided to procure a new wider scope framework, covering all working age adult client groups to enable purchasing of supported living services to meet eligible needs in the future.

5.1.15 It would benefit Hackney to be able to call off this as a neighbouring borough. This would also improve cross-borough working.

5.1.16 The Framework applies to individuals who have Care Act eligible needs with a learning disability, mental health problem and/or physical disability who are assessed as requiring a supported living care package.

5.1.17 Joining the framework differs from previous mechanisms to secure supported living placements out of the borough in the following ways:

- This framework is for eligible service users with needs across mental health, learning disability and physical disability, so works across care groups.
- The lots in this framework are defined by nature and complexity of service user need. This ensures that packages of care are personalised but with a variety of options to the individual, rather than focusing on the delivery of service hours only.
- Currently, placements are made via individual spot purchase arrangement. Processes for spot purchase arrangements in the form of operational service approval of support packages e.g. ILDS Panel. However, the framework agreement would further enable a consistent purchasing mechanism, with less price variance for supported living care packages.

5.1.18 The LBWF Framework aims are aligned to Hackney, to:

- Embed progression and recovery pathways and models via the specification (these then feed into monitoring arrangements).
- Develop new services via framework lotting strategy.
- Build strategic partnerships with supported living providers.
- Allow a call off process that ensures consistent purchasing & provision.
- Support shifting resources from residential care to supported living.
- Enable more service user choice.
- Provide a model to inform and support Hackney placements in future.

5.1.19 ***The Framework Model***

5.1.20 The model is 'needs led', focused upon the needs of the individual requiring supported living, which aligns to Hackney's approach.

5.1.21 This keeps the focus on individuals' needs and designing and pricing services around them, rather than other models, such as hours or services. This should enable personalised support care packages (as per Care Act eligible requirements), rather than focusing on hours of support to fit into categories.

The Framework will comprise 4 lots. Lot's 1-3 are focussed around individual supported living care packages, with complexity of need increasing from lot 1-3:

LOT 1* - (Low-Medium Needs)- Care and Support for people who have needs from learning disability, mental health and/or physical disability.

LOT 2* - (Medium-High Needs)- Care and support for people who have needs from learning disability, mental health and/or physical disability and other conditions which may need specialist support. Specialisms will include: challenging behaviour, autism, acquired brain injury, complex epilepsy, Prader Willi syndrome, substance misuse/dual diagnosis

LOT 3 - (Complex & Bespoke)- Care and support for people with very complex needs who require individually bespoke support with or without accommodation. These may be people with learning disabilities and/or autism at risk of future admission to hospital with complex behavioural needs, who have had care packages breakdown multiple times, are jointly funded with health, have a history of offending or high-risk behaviour and/or forensic needs.

LOT 4 - Building/ Accommodation and Care & Support- This lot will enable mini competitions for services, specifying the type of building/ accommodation required and the type of care and support (which may be block or core support only with individual hours purchase from lot one, two or three as appropriate). This is the lot that will enable piloting and development of new services, including tailored services. For example, if a number of individuals in transition will require supported living services in the future, who have compatible needs, a service could be designed around their needs - offered out via a mini tender..

**A ceiling rate will be applied to Lots 1&2 to support value for money*

5.1.22 This Framework will provide new opportunities to access a range of accommodation and support based upon needs, environments that offer greater independence and good value for money. It works more strategically with a select group of providers who offer the best quality and most competitive prices for supported living.

5.1.23 Calling off the framework will lay out expectations for delivery of supported living through the service specification, in addition to an individual's care plan.

5.2 Strategic Context:

5.2.1 Hackney Council's ambition is to make Hackney a place for everyone. Access to supported living helps achieve this.

5.2.2 The proposal tackles inequality by ensuring that the services provided are available to the most at need, irrespective of health or social status, and targeted at the most vulnerable.

5.2.3 Social, economic and environmental impacts are considered within the procurement for the framework by LBWF (see Section 6).

5.2.4 Supported living is the preferred option to residential and other more institutional accommodation, as it provides settled accommodation and somewhere an individual can call home.

- 5.2.5 Supported living provision enables the Local Authority to discharge its duty under the Care Act 2014 to provide state funded care and support.
- 5.2.6 Joining the framework makes use of a formal contractual arrangement around placements, which have been assured in terms of quality and best value through the procurement process.
- 5.2.7 Need and demand for supported living is increasing across learning disabilities and mental health; the complexity of need of such client groups is increasing too. For example, in LBH Learning Disabilities the numbers requiring supported living rose from 138 (2015/16) to 170 (2019/20), many of these were young people transitioning to adulthood and complex care packages, with spend on supported living doubling in this time.
- 5.2.8 Supported living is a well established market place with providers who should be able to offer a sustainable service. LBWF is expecting the number of responses from the market to be over 40, and they have implemented measures in the Invitation to Tender (ITT) to ensure that they contract with providers who meet the set expectations.
- 5.2.9 It will be a 4-year framework agreement procured under the Light Touch Regime, using an Open Procurement Procedure, with 60% Quality:40% Price criteria, and advertising in the Official Journal of the European Union.
- 5.2.10 The Director of Adult Social Care will be the delegated authority to call off from the framework.
- 5.2.11 Being able to call off this framework will support Hackney to meet the increasing demand for supported living in a way that ensures a degree of scrutiny and better regulated competition.

5.3 Preferred Option:

Option 1: Join the LBWF Framework (preferred option)

Benefits

- This is an additional offer to service provision. It will offer access to a wider pool of vetted providers and additional choice for those people needing placements.
- The vision and expectations in the service specification is aligned to LBH's for these client groups (promoting independence, etc.).
- London Living Wage (LLW) will apply.
- It enables a contractual and pricing mechanism to be put in place with providers who have already been vetted, including maximum pricing rate for those with low-high needs.
- It will formalise cross-borough working in a positive way, developing relationships and promoting good processes for working with vulnerable adults across the borough border.

- With LBWF as a neighbouring borough and within the Sustainability and Transformation Partnership (STP) footprint it promotes better relationships and sharing of resources.
- There is no obligation to call off from the framework.

Issues:

- Work will need to be undertaken to ensure appropriate local access arrangements are in place following approval to call off.
- LBWF will be lead Authority; performance management will be led by LBWF and so processes need to be put in place to coordinate with LBH's quality assurance.
- If variation in contractual arrangements is needed LBH will need to inform LBWF as lead.

5.3 ALTERNATIVE OPTIONS (CONSIDERED AND REJECTED)

5.3.1 Option 2: Do nothing (continue with spot provision)

Benefits:

- Service users would still have access to their current providers via spot purchase arrangements.

Issues:

- No consistent contractual arrangements in place.
- No consistent purchasing mechanism or pricing structure
- Continued lack of opportunity to strategically develop the supported living market more widely

5.3.2 The use of this framework does not mean in-house provision cannot be sought for supported living placements. It provides an alternative provision readily available for a range of needs. A framework model also helps stimulate the market in line with Care Act requirements.

5.3.3 There are no TUPE Implications. Joining the framework offers an opportunity to make and formalise new placements.

5.5 Success Criteria/Key Drivers/Indicators:

5.5.1 The supported living model of care delivery is a preferable, better value alternative to residential care. Residential care is typically more expensive as the rental charges incurred to the local authority are part of the overall care package. Whereas in supported living settings service users can claim housing benefit and retain tenancy rights.

5.5.2 The specification for this service and Key Performance Indicators (KPIs) will be focussed around providers delivering recovery and enablement focussed support, facilitating service users to gain skills, and work towards living as independently as possible, helping to prevent increased need for services.

5.6 Whole Life Costing/Budgets:

5.6.1 A Memorandum of Understanding (MoU) has been developed to ensure collaboration between boroughs.

5.6.2 Once approval is granted and the framework is in place, LBH will develop processes to support effective call off.

5.6.3 Below are proposed, no-obligation estimates that LBH would call off from the framework:

		Number of Placements	Annual (£)
Lot 2	Estimate	3	109,200
Lot 3	Estimate	3	390,000
Lot 4	Estimate	1	182,000
		Annual total	£681,200
		4 year total	£2,724,800

These have been based on a review of recent data relating to individual learning disabilities spot placements and highest cost scenario estimates. There would be potential to call off more placements from any Lot at a lower cost instead, so long as £3million maximum not exceeded.

Looking at average values and typical numbers of learning disabilities placements made per year comes to a similar value over the past four years.

5.7 Policy Context:

The Framework offers an opportunity to use a contractual mechanism that is in line with LBH's policies.

It is LLW compliant, Social Value considerations are part of the qualification for the Framework and the Service Specification is aligned to the objectives and outcomes that LBH has for its service users.

5.8 Consultation/Stakeholders:

5.8.1 In consultations around supported living services previously, Hackney residents voiced the wish to have a range of supported living options locally.

Learning disabled service users in LBH have identified a need to access suitable supported living services as part of the wider co-produced learning disabilities strategy, this supports this.

LBWF are working with Healthwatch to include service user input and voice within the tender evaluation.

Market events for this framework have been undertaken to inform the approach.

Internal stakeholders e.g. the Integrated Learning Disabilities Service, have identified the usefulness in being able to call off the framework when needed.

The decision does not affect any current staff so TUPE does not apply.

Current care packages will continue as they are, until the care packages are reviewed or they are moved to alternative provision. At review point there is an opportunity to commission through the new framework agreement.

5.9 Risk Assessment/Management:

This project has been classified as medium risk, for the purpose of managing the procurement exercise.

Risk	Likelihood	Impact	Overall	Action to avoid or mitigate risk
	L – Low; M – Medium; H - High			
Difficulties accessing the Framework	L	L	L	An MoU will be in place and local processes will be developed for call off
The amount LBH wishes to call off exceeds that of the stated estimates	L	L	L	There would still be the option to spot purchase outside the framework.
There are problems with provision from services on the Framework	L	M	L	Quality assurance (QA) processes and collaboration will be in place from both LBH, including individual statutory Reviews and liaison between QA officers; and LBWF performance management and monitoring.

Providers delivering supported living services via this contract/framework agreement will hold information and data about Hackney residents. This will include sensitive data and sharing sensitive data between Council social work teams and adult social care brokerage. The terms and conditions of the contract will include provisions which place requirements upon providers delivering services via the contract to hold their data securely and share information securely in line with GDPR rules and regulations and the Council's requirements.

There is no obligation to call off this framework if LBH does join it.

5.10 Market Testing (Lessons Learnt/Bench Marking):

As part of procurement LBWF engaged with the market and set the expectations for delivery of supported living through the service specification.

LBWF will open up the framework to as many providers wishing to join in order to widen the pool of providers. These will then be quality checked through their application submissions.

When calling off, the borough will be permitted to call upon the top 5 scoring providers initially, and then go to other providers on the framework should the package not be sourced from the top scoring ones.

This framework is a collaboration with Waltham Forest and other boroughs who wish to use the framework. At present LB Redbridge and LB Enfield are looking to join. This may make it more attractive for more providers to bid.

If call off is approved, LB Hackney will link with the current market around the decision.

5.11 Savings:

No specific savings have been identified but it should ensure best value through use of a formal process, which may otherwise not be in place.

Ceilings are in place for certain lots.

6. SUSTAINABILITY ISSUES

6.1 Procuring Green

Providers will be encouraged to minimise their carbon footprint and to deliver services in a way that reduces environmental impact and promotes sustainability. For example, by encouraging service users to learn about recycling.

6.2 Procuring for a Better Society

Commissioning an outcome focussed supported living service framework agreement will sustain and promote independent living for vulnerable residents, increasing their wellbeing, skills and resilience. Furthermore, it is anticipated many will progress onto a more independent living and reduce their need for support over time.

6.3 Procuring Fair Delivery

This Framework enables access to a range of services for those with disabilities who require support and are Care Act eligible.

A commitment to the Equalities Act (2010) and Equal Opportunities is stated as part of the contract.

The values focus on the following areas:

- More local people in employment, encouraging long term employment.
- Improving skills, which will assist in developing apprenticeships either in the business administration or in the delivery of health and social care
- Vulnerable people are helped to live independently /as independently as possible.
- Vulnerable people are empowered and have choice and control.

6.4 Equality Impact Assessment and Equality Issues

The framework services apply to those of working age who meet Care Act eligibility criteria and who fall under the stated care groups. This provides more choice to disabled groups. No adverse effects have been identified for the Hackney population.

7. PROPOSED PROCUREMENT ARRANGEMENTS

7.1 Procurement Route and EU Implications:

Waltham Forest have opted to undertake an OJEU open tender procedure under the Light Touch Regulations. This will allow the Authority to set up a framework agreement for supported living services across mental health, learning disability and physical disability user groups with a planned start date of circa Jan 2021. The contractual period for the framework agreement will be four years.

An Open tender process allows Waltham Forest to receive more bids from the SME market in the borough and surrounding areas, increasing opportunities for new and innovative providers. It will encourage competition between providers whilst reducing the chance of a monopolistic supply chain.

7.2 Resources, Project Management and Key Milestones:

LBWF will lead the procurement; they have shared the procurement documents for review and have identified the following timeframes:

Key Milestones*	
Issue Tender (via OJEU)	3rd Aug 2020
Tender returns	7th Sept 2020
Tender Evaluation	19th Oct 2020
Contract Award Report considered at HPB / CPC	This will be at LBWF (1st Dec 20)
Start on site / Contract start	4th Jan 2021

***NB:** These dates may be subject to change in light of the Covid-19 situation.

7.3 Contract Documents: Anticipated contract type]

There is a Memorandum of Understanding to ensure collaboration between participating Boroughs with LBWF.

A Framework Agreement will be in place between LBWF and the provider. This will include Terms and Conditions in addition to a Schedule of Services and Lots.

Individual placement agreements (IPAs) will be issued for each individual and form part of the Framework Agreement; this will include a pricing schedule.

7.4 Sub-division of contracts into Lots

The framework will be divided into Lots (detailed in Section 5). These will be based on level of need and provide opportunities for smaller businesses to participate.

7.5 Contract Management:

LBWF's contract monitoring service will be overseeing the monitoring of services delivered via the supported living framework including:

- Quarterly monitoring returns which providers will self-complete and provide to the contract manager self-assessing their performance against agreed key performance indicators.
- Contract monitoring visits undertaken by monitoring officers based on the requirements in the service specification and the LBWF contract monitoring tool for supported living.
- Contract monitoring meetings on a one-to-one basis with key strategic framework providers (where we have the largest volume of spend/placements)
- Quarterly forums with framework providers, contract managers, commissioners across STP footprint to look at trends, issues and best practice. This is a key area in which LBH will participate.

Monitoring will be an integral part of the contract performance review process, in which the provider must use the processes above to scrutinise and analyse their business whilst allowing continual improvements and efficiencies.

7.6 Key Performance Indicators:

Due to the personalised nature of this provision, indicators can be linked to individual outcomes set by the care plan and Individual Placement Agreements (IPA). Outcomes for individuals will also be tracked and monitored by LBH Social Workers reviewing the care package as part of Statutory Reviews.

KPI's will be set in the service specification, there will be general KPIs which will go across each lot, specific KPIs for lots two and three; these will be set at a service level.

KPI's for lot 4 will be set at the time of the mini competition completed for services procured via this lot.

Indicative overview of general KPIs and some specific mental health KPIs will include:

Supported Living Performance Indicator	Description	Target	Monitoring period
The service user is an integrated member of their community and achieves economic wellbeing.	• Service users participating in community activities;	95%	Annual
	• Service users reporting improvement in their quality of life and social skills;	90%	
	• Social work teams reporting improvement in their quality of life and social skills;	90%	
The service user receives a service that is personalised to their own	• Service users with support plans and risk assessments less than 6months old;	90%	Quarterly
	• Service users report their services are flexible		

<p>needs and aspirations and have appropriate choice and control - able to make a positive contribution and carers or feel they are respected as equal partners in the support planning process.</p>	<p>and that they have choice and control over aspects delivery; including where when and by whom they receive support;</p> <ul style="list-style-type: none"> • Service users and where appropriate their carers express satisfaction in this area; 	<p>90%</p> <p>90%</p>	<p>Annual</p> <p>Annual</p>
<p>Service users are free from discrimination</p>	<ul style="list-style-type: none"> • Services access usage and satisfaction reflect the local community; • Staffing is provided that is reflective of the local community. • Service users reporting they are supported with harassment of victimisation where they experience it. 	<p>90%</p> <p>90%</p> <p>90%</p>	<p>Annual</p>
<p>Service users are free from physical and emotional abuse, harassment, and neglect</p>	<ul style="list-style-type: none"> • Reported or suspected safeguarding adult/children incidents are investigated in accordance with policy and reported to the safeguarding adults team and or Commissioning and Health; • Service users report feeling safe in their local community • Complaints are dealt with within specified time frames; 	<p>100%</p> <p>90%</p> <p>100%</p>	<p>Annual</p>
<p>The supported living service delivered effectively contributes to the management of risk</p>	<ul style="list-style-type: none"> • Prevention of service users coming into contact with the criminal justice system. • Service users have an active and up to date risk assessment and management plan (where appropriate) 	<p>90%</p> <p>100%</p>	<p>Quarterly/ Annual</p> <p>Quarterly/ Annual</p>
<p>Mental Health- The supported living service works in partnership to provide a rapid response to issues around treatment compliance, risk factors associated with mental health relapse, substance use, criminal justice issues and conflict resolution.</p>	<ul style="list-style-type: none"> • Service users with up to date CPA care plans in place; • Service users where CPA Care Plan is on file and the support plan is reflective of its contents; • Service Users where support staff attend CPA reviews • Clinical teams report satisfaction in this area; • Formal liaison with local MH agencies occurs on a quarterly basis; 	<p>100%</p> <p>100%</p> <p>100%</p> <p>90%</p> <p>80%</p>	<p>Quarterly</p> <p>Quarterly</p> <p>Quarterly</p> <p>Annual</p> <p>Annual</p>
<p>Mental Health- service users are supported to recover and manage their mental health and wellbeing;</p>	<ul style="list-style-type: none"> • Service users sustaining engagement with treatment programmes and effectively managing mental health issues. • Service users report improved mental and physical health, improved confidence and ability to manage crisis; • Clinical Teams report improved mental and physical health, improved confidence and ability to manage crisis; • Service users with substance misuse issues engaged in treatment and implementing harm reduction strategies. • Service users reporting improved abilities to 	<p>98%</p> <p>90%</p> <p>90%</p> <p>95%</p> <p>90%</p>	<p>Quarterly</p> <p>Quarterly</p> <p>Annual</p> <p>Annual</p> <p>Quarterly</p>

	resolve conflict situations; • Service users participating in education, training and employment; • Service users and where appropriate their carers reporting improvement and satisfaction in this area. • Service users with maximum benefits	50% 90% 90%	Quarterly Annual Annual
--	--	-----------------------	-----------------------------------

8. COMMENTS OF THE GROUP DIRECTOR FINANCE AND CORPORATE RESOURCES

- 8.1 The recommendation of this report is to grant approval for the London Borough of Hackney (LBH) to call off the London Borough of Waltham Forest (LBWF) Supported Living Framework that will provide services to adults of working age with learning disabilities, mental health and/or physical disabilities. The proposed start date is January 2021, and the framework will be in place for a period of four years.
- 8.2 The intention is for LBH to utilise this framework as and when required to place individuals who need supported living care services. As indicated in Section 5 of the report, the gross cost estimate to call off this framework is £681k per annum, and the maximum cost over the life of the framework is estimated at £2.72m, based on Lots 2 to Lots 4. Any placements commissioned through this framework would have to be met by existing Adult Social Care commissioning budgets, and should not result in an increased cost pressure for the Council.
- 8.3 There is no obligation to use this framework as well as having no savings attached to this procurement exercise, however the expectation is that any supported living placement commissioned is based on need, quality and value for money.

9. VAT Implications on Land & Property Transactions

N/A

10. COMMENTS OF THE ACTING DIRECTOR OF LEGAL AND GOVERNANCE

10.1 The procurement exercise proposed in this Report has been assessed as Medium Risk. Therefore under paragraph 2.7.7 of Contract Standing Orders the procurement should be managed by Hackney Procurement Board. However, under paragraph 2.7.10 of Contract Standing Orders the Chair of Hackney Procurement Board has discretion to refer any Gateway Business Case or Contract Award for decision by Cabinet Procurement Committee if she or he deems it appropriate. The Chair of Hackney Procurement Board has exercised this discretion and this Report is being submitted to Cabinet Procurement Committee for approval.

10.2 The services to be procured in this Report are classified as Social and other Specific Services under Schedule 3 of the Public Contracts Regulations 2015 and are of an estimated value above the threshold of £663,540 for such services. Therefore it will be necessary to publish an OJEU notice in respect of the procurement of the services. The London Borough of Waltham Forest is the contracting authority under the Public Contracts Regulations for the procurement process in this Report. It is proposed to use the Open Procedure under Regulation 27 of the Public Contracts Regulations 2015 to award the contract which will be a framework agreement

which other contracting bodies will be permitted to use. Under Regulation 33(5) a party who intends to use a framework in such circumstances must be “clearly identified for that purpose in the call for competition or the invitation to confirm interest”.

10.3 Subject to the successful establishment of the framework by the London Borough of Waltham Forest, it is proposed for the Council to award the call-off contracts set out in this Report by delegated powers. Permission is therefore sought for the Director of Social Care to approve the award of the call-off contracts in this Report. Paragraph 2.2 ii) of the Executive Procedure Rules states that “If the Elected Mayor delegates functions to a committee of the Executive, unless s/he directs otherwise, the committee may delegate further to an officer”. Cabinet Procurement Committee, as a committee of the Executive is therefore permitted to delegate to an officer the decision to agree the award of the call-off contracts.

11. COMMENTS OF THE PROCUREMENT CATEGORY LEAD

11.1 The proposal is to access an external Framework up to the value of £3,000,000. The Council’s Contract Standing Order 2.7.10 requires that the Business Case for a medium risk procurement of this value be approved by Hackney Procurement Board and Contract Award by Cabinet Procurement Committee. Approval by Cabinet Procurement Committee is sought at this stage as the report requests delegated authority for the Director of Social Care to award call-off contracts once the framework is established.

11.2 LBWF are proposing to undertake an open competitive tender process to award a Framework for supported living services, in accordance with the relevant procedures set out in the Public Contracts Regulations 2015. Where LBH is named as a participating body in the OJEU Contract Notice this will enable the Council to award contracts using the mechanism(s) set out in the Framework Agreement.

11.3 Participation in the procurement and access to the proposed Framework Agreement is supported as this will offer:

- A compliant route to market
- The opportunity for improved quality and value for money of supported living provision when compared with the current spot purchasing placements model
- No obligation to use the Framework (if, for example, the Council decides on an alternative delivery model during the 4 year period)
- Much of the procurement and contract monitoring undertaken by LBWF, minimising resources required

11.4 The procurement will offer opportunities for participation by SMEs and the Voluntary and Community Sector in support of the Council’s Sustainable Procurement Strategy. Commissioners are encouraged to promote the opportunity to tender for the framework to local providers of supported living services.

11.5 Relevant KPIs and performance measures are described, and LLW will be paid to providers staff.

APPENDICES

N/A

EXEMPT

N/A

BACKGROUND PAPERS

In accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012 publication of Background Papers used in the preparation of reports is required

Description of document (None)

Report Author	Penny Heron 020 8356 7522 penny.heron@hackney.gov.uk
Comments for and on behalf of the Group Director Finance and Corporate Resources	Naeem Ahmed Head of Finance, Finance & Corporate Resources naeem.ahmed@hackney.gov.uk 020 8356 7759
Comments for and on behalf of the Acting Director of Legal and Governance Services	Patrick Rodger - Tel: (020) 8356 6187 Senior Lawyer, Legal Services Patrick.Rodger@hackney.gov.uk
Comments of the Procurement Category Lead	Dawn Cafferty 020 8356 8697 dawn.cafferty@hackney.gov.uk