

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Councillor Larry Culhane – Cabinet Member for Children and Education

Date: 21/06/2021

Subject: Award Report for the Information, Advice and Support Services and the Mediation and Dispute Resolution Service for SEND

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Responsible Director: Jacqui McShannon, Director of Children's Services

SUMMARY

This report seeks approval for the award of the following contracts:

- SEND Information, Advice and Support Services (SENDIASS),
- Mediation and Disagreement Resolution Services

This award follows an open tender procurement exercise run for both contracts between the period 19th March 2021 – 20th April 2021.

RECOMMENDATIONS

1. To note that Appendix 1 of this report is not for publication on the basis that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) as set out in paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).
2. To approve the award for the SEND Information, Advice and Support Services (SENDIASS) contract to Your Voice in Health and Social Care for the period 1st September 2021 – 31st August 2024 for the sum of £181,491, including optional extension for a further 2 years to 31st August 2026, for the sum of £120,994.
3. To approve the award for the Mediation and Disagreement Resolution Service contract to KIDS for the period 1st September 2021 – 31st August 2024 for the sum of £30,105, including optional extension for a further 2 years to 31st August 2026, for the sum of £20,070.

Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	Ensuring all children have the best possible start in life and achieve their full potential as an adult - get a job, be healthy and active, make their own decisions and live as independently as possible.
Creating a compassionate council	Co-production with key stakeholders including young people, parents, carers, schools and colleges which informed the service specification and evaluation criteria.
Doing things with local residents, not to them	Co-production sessions with key stakeholders including young people, parents, carers, schools and colleges which informed the service specification. Opening up the potential for creative opportunities e.g. employing local residents, inclusive apprentices, offering work experience to help young people into employment, broadening the network and inclusive youth voice.
Being ruthlessly financially efficient	Award decision reached following open tender procurement exercise to ensure value for money across both services through diverse options.
Taking pride in H&F	A service that shares our social values and works in partnership with us.
Rising to the challenge of the climate and ecological emergency	Digital solutions were considered as part of the tender packs drawing on the providers experiences of adapting their service during COVID and features which will be retained in service delivery. Digital access recognised as a beneficial feature both for accessibility by service users and a reduction in supplier carbon footprint through reduced asset usage.

Financial Impact

H&F CCG will provide an annual contribution of £7,000 towards SENDIASS as a jointly commissioned service. There has been representation from the CCG on the tender panel, contribution during the drafting of the service specification, and tender responses have also been assessed from a health services perspective.

SENDIASS Contract value £272,236.60 and £26k Direct Award	Year	Year	Year	Year	Year	(Contract ends 31st Aut 2026)	Total
Financial Year	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	
	£m	£m	£m	£m	£m	£m	£m
Direct Award Apr 21 - Aug 21	0.026	0.000	0.000	0.000	0.000	0.000	0.026
New contract	0.032	0.054	0.054	0.022	0.054	0.024	0.240
Seven months 2024/25				0.032			0.032
Total SENDIASS	0.058	0.054	0.054	0.054	0.054	0.024	0.298
Mediation and Disagreement contract value £50,175 and Direct Award £6k	Year	Year	Year	Year	Year	(Contract ends 31st Aut 2026)	Total
Financial Year	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	
	£m	£m	£m	£m	£m	£m	£m
Direct Award Apr 21 - Aug 21)	0.006	0.000	0.000	0.000	0.000	0.000	0.006
Block contract	0.006	0.010	0.010	0.004	0.010	0.004	0.044
Seven months 2024/25 Block contract				0.006			0.006
Spot purchase	0.003	0.005	0.005	0.002	0.005	0.002	0.022
Seven months 2024/25 Spot purchase				0.003			0.003
Total Mediation & Disagreement	0.015	0.015	0.015	0.015	0.015	0.006	0.081
Total	0.073	0.069	0.069	0.069	0.069	0.030	0.379

The above table illustrates:

- The costs of SENDIASS contract with Your voice in Health and Social care at £0.272m after deducting the Health contribution, £0.03m.
- The costs £0.026 for Direct Award covering April 2021 – August 2021 has also been factored into the estimates in year 2021/22.
- The above table also illustrates the costs of Mediation and Disagreement and resolution service at £0.050m for the block contract and £0.025m for spot purchase.
- The costs £0.006m for Direct Award covering April 2021 – August 2021 has been factored into the estimates in year 2021/22.

Previously the costs of the contract were charged to DSG. However, a review of the School and Early Years Finance (England) Regulations 2020 and the High Needs Block (HNB) operational guidance has identified that expenditure in connection with the provision of parent partnership services and dispute

resolutions should be funded from the non-schools education budget of the local authority and not from the Dedicated Schools Grant.

A general fund budget from FY 2021/22 of £0.07m has been identified for the SENDIASS and Meditation and Disagreement contacts by substituting general fund expenditure in another service area which is eligible to be funded from the DSG HNB. This is sufficient to cover the expected costs of both contract awards.

Legal Implications

This report seeks approval to award 2 contracts, one to 'Your Voice in Health and Social Care' for £302,485 and a second to 'KIDS London Limited' for £50,175. Both contracts have values which are below the financial threshold under the Public Contracts Regulations 2015 for light touch contracts (social and other specific services). The procurements were not required to follow the full regime in Part 2 of the PCRs but were subject to the fundamental principles of equal treatment, transparency and non-discrimination.

While the full PCR regime does not apply, the Council must comply with the Council's own Contract Standing Orders as follow:

Your Voice in Health and Social Care

The contract to Your Voice in Health and Social Care is a High Value Contract. The CSOs require that a Framework, DPS or one of the procedures set out at regulations 74 to 77 are used in order to procure a supplier. The regulations give the authority the freedom to adopt its own procedure provided it is sufficient to ensure compliance with the principles of transparency and equal treatment. In this instance, the Council used the open procedure. The award of all High Value Contracts must be on the basis of the most economically advantageous tender. This report indicates that the award is being recommended on this basis.

The approval process for a contract award of a HVC is via the SLT member in consultation with the relevant Cabinet Member. Since the award report concerns the award of contract for in excess of £300,000, it is a Key Decision (see Article 12 of the Constitution) and must be submitted to Committee Services for publication on the Council's website. The award decision cannot be implemented without the expiry of the call-in period for that decision.

As the contract is for over £100,000, the Head of Law must arrange for the Contract to be sealed on behalf of the Council.

KIDS London Limited

The contract to KIDS London Limited is a Medium Value Contract. For MVCs, an invitation to submit tenders or a call-off from a Framework or DPS is required. In this instance, the Council advertised an invitation to submit tenders. In respect of the decision to award, the CSOs require the award to be approved by the relevant SLT member. Once the SLT Member has approved the award, the Contract must be awarded by way of a notification via the e-tendering system. As the contract is below £100,000, unless the Head of Law considers otherwise, it will be entered into as a simple agreement signed by the relevant SLT Member.

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Background Papers Used in Preparing This Report: None

DETAILED ANALYSIS

Proposals and Analysis of Options

SENDIASS Contract

1. Officers have undertaken an open tender procurement exercise for this contract from 20th March 2021 – 19th April 2021 via the CapitalEsourcing portal. Tender responses have been evaluated and moderated via a selected panel in collaboration with key stakeholders.
2. Following evaluation and moderation, it is recommended that Your Voice in Health and Social Care be appointed the contract for the stated duration.
3. The budget for this service over 5 years was £350,000 (£70k pa); the tendered amount from YVHSC of £302,485 represents a cost saving against budget of 13.5%.

Mediation and Disagreement Resolution Contract

4. Officers have undertaken an open tender procurement exercise for this contract from 19th March 2021 – 18th April 2021 via the CapitalEsourcing portal. Tender responses have been evaluated and moderated via a selected panel in collaboration with key stakeholders.
5. Following evaluation and moderation, it is recommended that KIDS London be appointed the contract for the stated duration.

Reasons for Decision

6. Open procurements for these services allowed the Council to stipulate the requirements for the new services as co-produced with residents and young people, while achieving value for money via a competitive tender process within an established pool of providers.
7. Both tenders were evaluated against a criterion of 60% quality, 40% price. An assessment of Social Value was also considered as part of the SENDIASS tender and formed a total of 17% of the quality evaluation.
8. The competitive procedure identified the most economically advantageous suppliers, and indicates that:

- The SENDIASS contract be awarded to Your Voice in Health and Social Care

Ranking	Supplier	Technical Score	Commercial Score	Total Score
1	Bidder 1	63.55	100	78.13
2	Bidder 2	50.366	90.836	66.554

- The Mediation and Disagreement Resolution contract be awarded to KIDS London

Ranking	Supplier	Technical Score	Commercial Score	Total Score
1	Bidder 1	82.5	88.19	84.776
2	Bidder 2	67.5	100	80.5

Further detailed information can be found in Exempt Appendix 1.

Timetable for Implementation

SENDIASS Contract

9. The following indicative timetable details the proposed implementation plan for the transfer and set up of the service to Your Voice in Health and Social Care as the new provider. The plan and timescales will be confirmed with the provider once the standstill period ends and the contract is awarded.

Action	Deadline
Arrange and attend implementation meeting/s with LBHF	12/07/21
Commence recruitment to contract and organise any interim staffing arrangements for September start date	12/07/21
Meet with incumbent provider to ensure handover activities are scheduled, including case transfer and plan for informing current service users of change	19/07/21
Arrange and deliver internal training to Your Voice in Health and Social Care staff to ensure they are aware of the requirements of the service	29/07/21

Contact and arrange meetings with key stakeholders to publicise the change in service provider including sharing service marketing materials	29/07/21
Initial 6-month marketing strategy shared with service and commissioners	29/07/21
Make required changes to Your Voice in Health and Social Care website	09/08/21
Adapt CRM to meet reporting requirements detailed in the specification	20/08/21
Work with LBHF to update Local Offer	20/08/21
Commence contract	01/09/21

Mediation and Disagreement Resolution Contract

10. As the incumbent provider, KIDS will be able to deliver a mobilisation plan with immediate effect.

11. After award, a number of re-embedding activities will take place. A meeting will be held between the provider and relevant parties to discuss key aspects of the contract, casework and the promotion of services amongst key stakeholders. This will enable the sending of any additional service leaflets and electronic marketing information to relevant stakeholders and any engagement opportunities. Additionally, the provider will adapt their case management system and KPI reporting to the timescales detailed in the specification.

Equality Implications

12. The report seeks to maintain the levels of delivery included in the current service specification. There are no anticipated direct negative impacts on groups with protected characteristics under the Equalities Act 2010.

Risk Management Implications

13. Providers have been evaluated in accordance with delivering services to meet the Council's duties as part of the procurement. The service is in a position to propose awards that follow the Council's Values and meets residents and services users' needs and expectations.

Implications verified by: Michael Sloniowski, Risk Manager, 020 8753 2587

Climate and Ecological Emergency Implications

14. This procurement exercise was run prior to the introduction of climate implications; therefore, climate implications were not considered a factor in the procurement process. However, actions are considered for how the council will support the successful provider within the contract to take steps towards delivering positive impacts for the climate emergency.

15. The SENDIASS contract will be delivered from the provider's existing office base in King Street and hosted through other community forums including schools. We will encourage the provider to introduce greater energy efficient measures within their office building. The provider's central office location is easily accessible by public transport and by foot, and we will also encourage the provider to support service users and staff to walk, cycle and use public transport wherever possible especially when travelling to alternative locations within the borough.
16. The service will use a mixed model of face to face delivery alongside a continued virtual/distance offer as well as promoting the service through social media, reducing their travel and building footprint whilst also reaching wider communities and young people.

Implications verified by: Hinesh Mehta Strategic Lead – Climate Emergency, 07960 470125

Procurement implications

17. The results of the evaluation process have been verified against the e-tendering system on 21/05/21:

SEND Mediation and Disagreement Resolution Service:

- Project Code: prj_8388
- ITT Code: itt_14155

SENDIASS:

- Project Code: prj_18365
- ITT Code: itt_14153

Verified by Paul Triantis, Strategic Lead, 07377163942

Social Value

18. The winning bidder committed to 84.8% of social value out of their contract value, in line with the Social Value Strategy and beyond the minimum requirement. The total social value commitments are at £256,478 in proxy value.
19. Highest commitments are to create employment and skills for residents. As a result of this contract, YVHSC will extend their volunteering-hub to H&F as part of their social value commitments, and they will support long term unemployed residents to gain relevant skills and work experience. They will also donate IT equipment to local voluntary organisations.
20. Social Value Portal evaluated the social value response, and the qualitative submission was scored at 40/100. YVHSC will be required to set targets on Social Value Portal for effective monitoring and will be responsible to pay the relevant fee, as per the Instruction to Tender document published at the tender stage. Contract managers will need to work with the Council's Social Value Officer to ensure commitments are being effectively delivered.
21. It is recommended the Commissioner will work closely with legal to ensure appropriate social value clauses are included in the contract, so that the Council

can enforce its right to compensation if social value commitments are not delivered.

Implications by: Ilaria Agueci, Social Value Officer, tel. 0777 667 2878

Consultation

22. Representatives from Parentsactive formed a part of the evaluation panel for both the SENDIASS and Mediation and Disagreement Resolution tender, representing the voice of service users within the evaluation process.

23. Additionally, a young person within the Inclusive Apprenticeship scheme was involved in the evaluation process. Recognising the demands of formally evaluating the tender, the young person was involved through an informal panel session with evaluators to ask what a service user would expect to see within the responses based on the questions asked as part of the tender process. This feedback was considered throughout the moderation process.

LIST OF APPENDICIES

Exempt Appendix 1