




Tri-Borough Executive Decision Report

Decision maker(s) at each authority and date of Cabinet meeting, Cabinet Member meeting or (in the case of individual Cabinet Member decisions) the earliest date the decision will be taken	Full Cabinet <i>Date of decision: 3 September 2012</i>	
	Cabinet Member for Family and Children's Services – Cllr Elizabeth Campbell	
	Cabinet Member for Adult Services - Cllr Rachael Robathan Cabinet Member for Children, Young People and Community Protection – Cllr Nickie Aitken Date of decision: TBC Forward Plan reference: TBC	
Report title (decision subject)	STRATEGY REPORT FOR THE PROVISION OF CARER SERVICES ACROSS THE CITY OF WESTMINSTER, THE LONDON BOROUGH OF HAMMERSMITH AND FULHAM, AND THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA	
Reporting officer	Andrew Webster, Tri-borough Executive Director, Adult Social Care	
Key decision	Yes	
Access to information classification	Public with exempt Appendix B. This Appendix is the subject of a separate report on the exempt Hammersmith and Fulham Cabinet agenda	
Cabinet Member or senior officer sign-off details	<i>The Cabinet Members for Community Care and Children's Services have approved this report.</i> <i>Date: 23 July 2012</i>	

1. EXECUTIVE SUMMARY

- 1.1 The proposal is to re-let the contract for provision of carer services across the City of Westminster, the London Borough of Hammersmith and Fulham, and the Royal Borough of Kensington and Chelsea.
- 1.2 The tender will be comprised of three lots:

Lot 1: Carers' Hub - Advice, Information, Advocacy and Support Service
Lot 2: Young Carers' Support Service
Lot 3: Home support and short break service for adults, children with disabilities, and their carers
- 1.3 The total budget for this is £4,865,518 and the focus will be on building local, high quality services for carers that are coherent and comprehensive.
- 1.4 Westminster City Council (WCC) will lead the procurement of a new Tri-Borough Carers' Services Contract and award the contract, which will come into effect in October 2012 in replacement of the current carers' services.

2. RECOMMENDATIONS

- 2.1 That approval be given to the re-let strategy for the contract for provision of carer services across the three boroughs as set out in this report.
- 2.3 That the tender be comprised of the following lots:
 - Lot 1 – A Carers' Hub - Advice, Information, Advocacy and Support Service
 - Lot 2 – A Young Carers' Support Service
 - Lot 3 - A Home Support and Short Breaks Service for Adults, and Children with Disabilities
- 2.4 That Westminster City Council (WCC) lead the procurement of a new Tri-Borough Carers' Services Contract and award the contract, which will come into effect in October 2012 in replacement of the current carers' services.

3. REASONS FOR DECISION

- 3.1 To seek approval for the proposals set out in the report and to proceed to the Pre-Qualification Stage of the tender process.

4. BACKGROUND, INCLUDING POLICY CONTEXT, AND ANALYSIS OF OPTIONS

- 4.1 Carers undertake a significant amount of support to adults with social care needs. It is estimated that supporting carers to continue in their caring role reduces the cost of support for those they care for which would otherwise fall on health and social care services (CarersUK, 2011).
- 4.2 According to the 2001 Census, 7% of Westminster residents provided one or more hours of unpaid care per week, equivalent now to around 17,700 people, including about 540 people under 18 years of age. Many of these carers are not in touch with services. Applying findings from the 2001 Census to the current population we estimate that there are about 5,200 adults in Westminster who are providing 20 or more hours care per week. This was the second lowest proportion in London and one of the lowest in England, reflecting in part Westminster's atypical population in particular its younger than average age profile, high proportion of single person households, and high levels of geographical mobility.
- 4.3 In Hammersmith and Fulham, according to the 2001 Census, there are 11,500 carers. This represents 7% of the population, the third lowest percentage in Greater London and nationally. But, as a recent review has highlighted, only a small minority of the total carers in the Borough are being identified and receiving services. The Borough has the fourth highest percentage of older people living alone in the Greater London area which means that we have a relatively low "supply" of carers. Based on the outcomes of the 2001 Census, an estimate of the number of young carers in the Borough between the ages of 5 and 18, who provide between 1 and 50, or more hours of care, is about 425.
- 4.4 In Kensington and Chelsea, according to the 2001 Census, there are 11,199 carers or 9,400 households with at least one carer. This represents 7.1% of the local population and the Borough is ranked fifth lowest in both London and England. The Borough has the lowest proportion of residents providing 50 or more hours of unpaid care of any borough in England and the second lowest for 20 to 49 hours. In relation to young carers, the 2001 Census identified 303 carers under the age of 18.
- 4.5 The role of carers has been increasingly recognised in legislation. The Carers (Recognition and Services) Act 1995 established the right of carers who provided substantial care on a regular basis to request an assessment of their ability to care. The Carers (Equal Opportunities) Act 2004, which came into effect in April 2005, builds on legislation by placing a duty on Councils to inform carers of their right to request an assessment and to take into account their wishes regarding employment, leisure and life-long learning.
- 4.6 The Government's revised National Carers Strategy, *Recognised, valued and supported; next steps for the Carers Strategy (HM Government, 2010)*, supports this and sets out how the Government will prioritise actions over the next four

years to ensure the best possible outcomes for carers and those they support. It is the Government's ambition that by 2014:

- Carers will be supported to identify themselves at an early stage, and that the value of their contribution will be recognised by involving them from the outset both in designing local service provision and in planning individual care packages.
- Carers and those they support will receive personalised support, enabling them to have a community and family life.
- Carers will be supported to stay mentally and physically well and treated with dignity.
- Carers will be enabled to fulfil their educational and employment potential.

4.7 Carers are also recognised as requiring particular attention in the Department of Health's *Operating Framework for the NHS in England 2012/13*. It acknowledges that carers play a vital role in the health system and that they must receive help and support from local organisations. Following a joint assessment of local needs, which should be published with plans, PCT clusters will need to agree policies, plans and budgets with local authorities and voluntary groups to support carers, where possible using direct payments or personal budgets. For 2012/13 this means plans should be in line with the National Carers Strategy and:

- be explicitly agreed and signed off by both local authorities and PCT clusters;
- identify the financial contribution made to support carers by both local authorities and PCT clusters and that any transfer of funds from the NHS to local authorities is through a section 256 agreement;
- identify how much of the total is being spent on carers' breaks;
- identify an indicative number of breaks that should be available within that funding; and
- be published on the PCT or PCT cluster's website by 30 September 2012 at the latest.

4.8 Locally, each borough has a Carers Partnership Group which comprises of Council and INWL PCT representatives, and key stakeholders. These groups are responsible for overseeing the implementation of locally agreed joint commissioning strategies that set out the joint vision and action plan, between the INWL PCT and each council, to improve the lives of carers, and reduce the health, social and financial inequalities that they experience.

4.9 Most recently, the three Councils have each developed a mandate for the provision and practice of Adult Social Services. These mandates acknowledge that many people with social care needs will have these met mainly through natural support networks, including the carers with whom they live. Each borough is committed to supporting carers and sharing the responsibility for delivering the care a person needs.

Current service provision and opportunities arising from tri-borough working arrangements

- 4.10 Support to carers living in Westminster is currently provided by two longstanding, local providers.
- 4.11 Westminster Carers Service is a voluntary organisation (formed in 1988) that offers practical support to adult carers and vulnerable adults through a home support/domiciliary respite service. The organisation also runs an Arabic speakers support group and a number of specialist services for young people which include a:
- Young Carers' Service - providing advice, information and support to young people who have caring responsibilities.
 - Home support and short breaks services for carers (parents) of children with disabilities.
- 4.12 The second organisation, Carers Network Westminster, is a charitable organisation (affiliated to the Princess Royal Trust for Carers and formed in 1991) which provides advice, information, signposting and support to carers. In addition, they also run specialist support groups for carers of older people, people with mental health needs, learning disabilities, Bangladeshi Carers and end of life caring. Other services include an emergency card and short break grant scheme.
- 4.13 In February 2009, the WCC Contracts Review Board (CRB) considered a report from the Strategic Director of Adult and Community Services. Officers were of the view that the City Council needed to be more efficient and effective when commissioning services from organisations such as Westminster Carers Service. Alongside this and in recognition of services related to children also delivered by Westminster Carers Service (as outlined above), the CRB required discussions be held with Children's Services to seek to formalise the existing purchasing arrangements across Adult and Children's Services.
- 4.14 Collaboration has been underway since January 2011, with officers meeting regularly to explore potential opportunities to combine and develop carer services across Adult and Children's services with both Hammersmith and Fulham (LBH&F), and the Royal Borough of Kensington and Chelsea (RBKC).
- 4.15 Both boroughs equally recognise, and value, the crucial and demanding role that carers (both adult and young) take on to support vulnerable adults and children with social care needs. Each has its own local arrangements, either in-house or with local/national organisations, to deliver support to enable carers to continue in their caring role:
- H&F currently provides both its Adult, and Young Carer Support Service in-house. This interim arrangement was the outcome of an unsuccessful procurement exercise, which concluded in July 2010.

- RBKC successfully awarded a three year contract to CarersUK to deliver its Carers' Hub Service in 2010. It also awarded one year grants in the same year to third sector organisations to run specialist support groups and activities. In relation to young carers, the contract with the existing provider comes to an end on March 31st 2012.

4.16 In addition to the need for WCC to formalise existing purchasing arrangements across Adult and Children's Services, and for LBH&F to outsource its support services, a number of other factors have provided the impetus for officers responsible for carer services across the three boroughs to work together to jointly commission and procure carer support services. These include:

- The bringing together of commissioning functions on a tri-borough level.
- The need to develop outcome focused specialist services in line with the personalisation agenda.
- The need to achieve the best possible value from available public funds (best value means considering the *cost* and *quality* of services).
- The need to build local services for carers (including those whose cared-for are in transition) that are coherent and comprehensive.
- The need to develop services that support the principles outlined in the mandate for the provision and practice of Adult Social Services.

Market testing/previous tenders

4.17 Officers were aware that the market for carers' services would be specialised and had not been tested in Westminster. Also when LBHF had attempted to let its Carers' Hub contract for adult and young carers, there had been a poor response from the market.

4.18 In light of this, officers were of the view that carrying out a market warming exercise would be necessary in order to establish whether a developed market existed for carers' services, but also to seek feedback from providers in terms of how best contracts could be packaged to be attractive to providers in a competitive exercise.

4.19 Following an advertisement on Competefor in addition to existing providers being contacted direct, 15 organisations expressed an interest in participating in the exercise in May 2011. Of these, 7 organisations were invited to attend a meeting with officers to discuss services and packaging. These were as follows:

- Westminster Carers Services#
- Carers Network Westminster #
- Scope
- The Westminster Society for People with Learning Disabilities*
- Family Action
- The Children's Society
- Crossroads Care

Current Westminster carers' services provider.

* Provides a small number of spot purchased personal care/short break services for individual children with disabilities.

- 4.20 Providers participating in the exercise gave a clear indication that contracts packaged along service delivery lines i.e. by specific service type, would be more attractive to the market generally and avoid providers having to seek collaborative arrangements with other providers in order to fulfil the specified requirements of a larger package.
- 4.21 At the market warming exercise the City Council was working on the basis that it would be procuring Advice, Information and Advocacy, Young Carers, and Domiciliary/ Respite services for adults and children. At this time, LBHF participated in the exercise on the basis that it was considering a partnership approach to the procurement of its Carers' Hub and Young Carer Service in-house.
- 4.22 There is an expectation of value for money and efficiency savings from this exercise. There are savings built into the savings plans for LBH&F Adults (Lot 1) and it is also anticipated that a better price (hourly rate) may be secured for WCC Adults and Children's Services, and LBH&F Children's Services (Lot 3). This information will be known following the submission of bids.

What is being proposed

- 4.22 A range of support services will be available to specific groups, including children with disabilities and adult service users; adult carers (aged over 18); young carers (under the age of 18 years) and carers from black, minority and ethnic communities.
- 4.22 Lot 1: Carers' Hub - Advice, Information, Advocacy and Support Service

This service will be based on an outreach model and will provide support in the communities and facilities in which carers already spend their time. Support will be provided to a wide range of adult carers (including parent/carers of children with disabilities).

The three main strands of the service will be:

- Providing direct support to carers i.e. information, advice, signposting and peer support to improve health and wellbeing
- Facilitating access to carers' grants and statutory provision
- Facilitating networks and partnerships with other services for carers

This type of service will be required by:

- Westminster City Council – Adult Social Care Services
- Hammersmith and Fulham Council - Adult Social Care Services

- 4.23 While the tender exercise for this service will cover provision for both boroughs, the service has been apportioned as 2 separate packages. This is due to both Councils recognising the need for the service to have a local focus. It is possible that one contract may be awarded to an organisation to both services, or two separate contracts if it provides the best option following our evaluation of the bids received.
- 4.24 In addition, the successful provider(s) will also develop a hospital discharge link project to improve the experience of hospital discharge amongst carers. This project will cover the geographical areas of Hammersmith and Fulham, Kensington and Chelsea, and Westminster and will include Imperial NHS Healthcare Trust Hospitals (Charing Cross, Hammersmith and St Mary's) and Chelsea and Westminster Hospital.

The project will:

- Identify carers at an early point of contact.
- Involve carers in admission and discharge planning at the earliest stage possible.
- Signpost carers to appropriate and effective information, advice and support services.
- Support early discharge where appropriate.
- Assist carers to navigate the discharge process.
- Facilitate access to appropriate early intervention services.
- Reduce the instances of unnecessary hospital admission and readmission.

A total of £49,900 will be made available from the INWL PCTs to fund the project, in year 1 of the contract. The work of the project will then be embedded within admission and discharge processes across the trusts, and into the work of the successful provider(s) of those services packaged as Lot 1.

4.25 Lot 2: Young Carers' Support Service

This service will be based on an outreach model and will provide support in the communities and facilities in which young carers already spend their time. Support will be provided to young carers aged 18 and under.

The three main strands of the service will be:

- Providing direct support to young carers to achieve with respect to all five 'Every Child Matters' outcomes.
- Facilitating access to other support services for young carers and those being cared for to minimise the caring responsibility on the child/young person.
- To facilitate a successful transition to adult carer services.

This type of service will be required by:

- Westminster City Council - Children's Services
- Hammersmith and Fulham Council - Children's Services
- Royal Borough of Kensington and Chelsea - Children's Services

4.26 Officers involved in the project are aware that as the relative size of the young carers' services is small there is scope for a single contract to be let across the tri-boroughs.

4.27 Lot 3: Home support and short break service for adults, children with disabilities, and their carers.

This person-centred and flexible service will improve the quality of life for adult carers and parent/carers by enabling them to access short breaks (sometimes known as 'respite') from their caring role. By providing a 'sitting service', the service will give them the opportunity to spend the time as they wish and pursue activities according to their own preference.

It will support vulnerable adults with essential personal and practical tasks of daily living that they are unable to manage on their own, such as getting up/going to bed, getting washed and dressed, preparing meals etc. It will also enable them to access short breaks, by supporting them to access activities and interests.

The service will also provide short breaks for children with disabilities (aged 0 - 18), enabling them to access activities and interests. This service will be one of a wide range of short breaks services available to children with disabilities and their families.

This type of service will be required by:

- Westminster City Council – Adult Social Care and Children's Services
- Hammersmith and Fulham - Children's Services

The proposed procurement process

4.28 Carers services are defined as Part B services under EU Public Procurement Directives where only some of the EU procurement rules apply. There is no requirement for a Contract Notice to be published in the OJEU, but there is a requirement to send a Contract Award Notice to the Office of Publication of the OJEU. Additionally, the contracts will be advertised on Competefor and will be visible to all interested parties.

4.29 The contract will be let using the restricted procedure where potential providers are invited to express an interest in the contract and are then shortlisted to be invited to tender on the basis of the Pre-Qualification Questionnaires that they complete.

Proposals for the development of the contract documentation

- 4.30 The specifications for each Lot have been drawn up by a tender project group. The group includes representatives from commissioning from each service, including Adult and Children's representatives, procurement and supplier relationship management. Carers and operational staff will also have input.
- 4.31 Procurement and commissioning representatives from each of the Tri-boroughs are also contributing to the service documents to ensure proposed services are able to meet needs.
- 4.32 Sharpe Pritchard are providing legal advice and drawing up the Tender pack.

Contract period

- 4.33 Officers propose to award the contract(s) for 2 years; it is proposed that after 2 years there is an option to extend for a further 18 months. This ensures that options remain open should the situation change. In addition an annual break clause will be added throughout the life of the contract. The standard terms and conditions will be used as approved by the Head of Legal and Democratic Services or Sharpe Pritchard solicitors acting on the City Council's behalf.

Letting process

- 4.34 Assuming the Restricted Procedure route is followed as proposed, the key tasks in the project plan would be as follows:

Key Tasks	Date
Tender Advertisement	Sept 12
Deadline for receipt of PQQs and short-listing	Oct 12
Invitation to tender	Oct 12
Deadline for receipt of bids	Dec 12
Completion of evaluation of bids	Jan 13
Approval by Cabinet Members	Feb 13
Contract Implementation	Mar 13
Contract Start Date	Apr 13

- 4.35 The Tri-borough Contracts Board will also be informed of actions and intentions.

Proposed tender evaluation

- 4.36 An initial assessment of potential providers will take place at the expression of interest stage, using CompeteFor. Tenderers will be asked to complete a pre-qualification questionnaire which will be used to assess financial standing, experience, technical capacity and organisation capability.

5. EQUALITY IMPLICATIONS

- 5.1 A Equality Impact Assessment has been undertaken in relation to the re-letting of carer support services. The impact assessments have been carried out with due regard to the Councils' general statutory duties under the Equality Act 2010. This paper is available as a background paper.
- 5.2 The proposal to re-let carer support services will on the whole have a positive impact on most of the protected groups. It is not anticipated that the services received by carers, children with disabilities, or vulnerable adults will vary significantly from what is currently received as part of this exercise. Eligibility for access to these services is not affected under this process; rather, it is hoped that by working collaboratively and focusing on outcomes across service areas and the three boroughs (whilst ensuring local needs continue to be met), residents will receive both better quality and value for money from the services procured. In addition, approved providers will be required to reach out and target more carers i.e. those currently not known to/or accessing services.

6. COMMENTS OF THE DIRECTOR FOR LEGAL AND DEMOCRATIC SERVICES

- 6.1 Carer services are Part B services under the Public contracts Regulations 2006 and accordingly are not subject to the full requirements of EU procedures.
- 6.2 Sharpe Pritchard Solicitors, acting on behalf of the City Council, will provide the legal advice for the proposed contract documentation.
- 6.3 The Chief Solicitor comments that the legal implications associated with the procurement and the award of the contracts in relation to all three boroughs are as set out in the body of the report. Legal Services for each borough will remain on hand to provide ongoing contracts and procurement advice as required.

7. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE

- 7.1 The Financial implications are contained in Appendix B which is exempt from publication. The Tri-borough Director of Finance for Adult Social Care confirms that there is an expectation of efficiency savings from this tender exercise. The budgets quoted in Appendix B include savings where they were already planned.

8. CONSULTATION

- 8.1 There is no legal requirement to consult with the public as there is no significant change to service delivery, only a reduced budget and a possible new provider(s).

Local Government Act 1972 (as amended) – Background papers used in the preparation of this report

Background Papers	Held At	Contact
Joint Adult and Children's Peer Group Carers' Services Contract Let Discussion Paper - 26 January 2011	14 th Floor, City Hall	Steven Falvey, 0750 0953 918
Joint Adult and Children's Peer Group Carers' Services Contract Let Discussion Paper - 25 September 2011 (Version 2)	14 th Floor, City Hall	Steven Falvey, 0750 0953 918
Gate 1 Review Panel – Strategy report for the provision of carer services across WCC, LBHF, and RBKC	14 th Floor, City Hall	Steven Falvey, 0750 0953 918
Tri-Borough Carers' Services Re-let Equality Impact Assessment	14 th Floor, City Hall	Steven Falvey, 0750 0953 918

APPENDIX A

Other Implications

1. Risk Management

- 1.1 The following risks have been identified, they are summarised below with mitigating actions:

Risk	Mitigating Actions
The budget for the contract will be at risk of further reduction and the contract term contains a break clause, as such there may not be sufficient interest from the market.	There is a developed market for the provision of these services, identified following the market testing exercise, and providers will be informed of the uncertainty of ongoing funding in the current financial climate
There could be a risk that the LBH&F TUPE costs will push up the bid price.	The impact depends on the value of the current in-house staffing costs; whether there is a difference and what the difference is between the staffing costs for the in-house team and the market rates; the proportion of a provider's total costs that is made up of staffing costs; the size of the bidders and their ability to absorb the TUPE costs. TUPE costs will be apportioned to LBH&F.

2. Health and Wellbeing, including Health and Safety Implications

- 2.1 All known health and safety risks will be addressed in the specifications and where appropriate conditions of contract. Providers will be required at PQQ and Tender stage to demonstrate an understanding of health and safety issues related to providing carer services. Any provider unable to suitably meet the standards set will fail to pass the PQQ stage of the tender process.

3. Staffing

- 3.1 There are no direct staffing implications for Westminster City Council or the Royal Borough of Kensington and Chelsea related to the re-letting strategy for the contract.
- 3.2 There are direct staffing implications for Hammersmith and Fulham Council. Officers are of the view that TUPE will apply for two full time members of staff from Adult Services. Accordingly tenderers will be provided with the information to enable them to submit a TUPE based price.

3.3 The Director of HR agrees that this tender process will result in a TUPE transfer and that this will be carried out taking into account all relevant, current employment legislation. Tender documentation will instruct tenderers to take a view under the provisions of TUPE legislation. Information on existing posts and staff will be available to all tenderers.

4. Sustainability

4.1 Tenderers will be required to demonstrate in their proposals that they are committed to sustainable procurement, current practice and proposals for using eco-friendly products, machinery, transport and for cleaning and disposing of waste in an environmentally sound way.

5. Communications

5.1 Officers from both Adult and Children's Services have kept all existing providers informed of progress with the project and for the future commissioning of carers services as well as timescales. The Carers Partnership Board has been made of aware of plans and greater detail will follow as decisions are made.

5.2 A series of '*Service User Input*' events have been held with existing service users and carers across the three boroughs. The purpose of this exercise has been to inform them of the tender process, seek input into the draft specifications and to encourage them to join the carer involvement project.

5.3 A carer involvement project will be set up and carer representatives will be offered the chance to join an interview panel with the shortlisted providers. They will decide the questions to be asked based on their perception of important aspects of support and will feed findings back to the councils' panel as to their views on the providers interviewed. Their views and scores will help inform the decision of the group, but they are clear that the councils retain the right and responsibility to make the final decision.

6. Customer Services Initiative Implications

6.1 There are no CSI implications arising from the re-let of these contracts.

6.2 The contracts for carer services are specialised. There are no existing corporate contracts and/or framework agreements under the Customer Service Initiative appropriate to deliver the service.

7. Supporting Local Businesses (paragraph 21 of the Procurement Code)

7.1 Tender documents will stress the importance of supporting local businesses/area and local organisations and this will be evaluated as part of the tender. The existing providers will be encouraged to bid for the contracts.

7.2 Equalities and Diversity

Tenderers will be required to evidence that they comply with Equality Legislation and actively promote and monitor equality on their workforce. The specifications address expectations on service providers in terms of adhering to equalities legislation and promoting equalities working, as well as the need to consider a diverse workforce to meet the needs of a diverse service user group.

7.3 Monitoring of provision will ensure providers offer services to all client groups and that this is reflective of the community they serve.

8. ICT Implications (paragraph 14 of the Procurement Code)

8.1 There are no ICT implications arising from this proposal. The successful provider(s) will be expected to provide their own ICT and this will be made clear in the tender documentation.

9. Property Implications (paragraph 12 of the Procurement Code)

9.1 The providers will operate from their own premises. There are no property implications as a result of the tender. Tenderers submitting bids for Lot 1, the Carers' Hub Service, will be required to demonstrate a commitment to have a local base in both WCC and H&F, if they do not already have one. This has been shown to be essential in previous working relationships.