

North Somerset Council Decision



**Decision Of: Director of Adult Social Services and
Director of Children's Services**

With advice from: Section 151 Officer and Head of Procurement

Directorates: Adult Social Services and Housing / Children's Services

Decision No: ASC68 (2023/24 Scheme)

Subject: Short Term Award – Pathways to Adulthood Contract

Key Decision: Yes

Reason:

This decision is over £500,000 in value.

Background:

This decision is to agree to a short-term award for a period of 24 months, to Brandon Trust, following an unsuccessful procurement process that resulted in no suitable bids received from the market.

The service delivered at Pizey Avenue provides a Pathways to Adulthood Service and short breaks to young adults aged 14-25 years with complex needs, which is a much-needed resource utilised by both Adults and Children's Directorate. This is a statutory service.

The current contract with Brandon Trust is due to expire on 31 March 2024. Over the last year Commissioners and Procurement Officers have engaged the market and worked together to develop the tender documentation and the opportunity was advertised in October 2023. Only one bid was received and, following comprehensive evaluation and clarification, this bid was deemed unsuitable.

Decision:

To approve a direct award of contract for the Pathways to Adulthood Service to Brandon Trust, from 1 April 2024 to 31 March 2026 relying on the provisions in Regulation 32 Public Contract Regulations 2015 where there has been a failure of an open or restricted procedure tender process. The terms and conditions of the current contract will be used for the new contract. This approach is intended to allow the Council to undertake a full review of the short breaks service requirements across Adults and Children's Services and go back to the market in mid-2025.

Reasons:

Introduction

This two-year contract award will provide a period of time in which a meaningful review and consultation of services to be undertaken with stakeholders across both Directorates and young people and their parents/carers/families. This will also allow for a longer period of supplier engagement and to understand why no other bids were submitted.

This is the only service that provides dedicated short breaks and pathways to independence in North Somerset. It is of critical importance to the young people and their families who attend and the delivery of statutory functions to families of children in need. This is all underpinned with our commitment to work in partnership with young people, carers and families who use these services in a co-produced way. To do this meaningfully and allow full engagement this process needs to be undertaken over a period of time that allows this to take place.

Brandon Trust has delivered the contract well over the last 7 years and took part in a market engagement event in early 2023 with other providers to discuss the current service and the tender opportunity that would arise. This session was attended by 7 organisations. The service model was explained at the event and no potential bidders queried this at the time or put forward other ideas.

The specification for the service was reviewed and updated by commissioners. As the budget for the service had recently been significantly uplifted and was fixed, the decision was made to go out to tender based on 100% quality and providers were asked to submit a bid describing how they would deliver the specification for the budget available. The process also included a presentation stage.

Despite the early market engagement, only one bid was received and whilst the bid demonstrated that the younger cohort would be well provided for within the proposed service, it did not instil confidence in the Evaluation Panel that young people between the ages of 17-25 would receive a satisfactory service, nor those with particularly complex needs. Despite a period of clarification, the bidder failed to reassure the Panel and therefore the bid was rejected.

We have subsequently received a letter from the unsuccessful bidder, who thanked us for the feedback provided, stated that they understand the actions taken and would be interested in tendering in the future following the review process.

Further information on the procurement process and evaluation is available on request from the Procurement Manager.

Contract Management

There is a contract management plan in place with relevant KPIs. This will continue to be monitored for the additional period.

Implementation of contract

There is no implementation as this short-term award is to the incumbent provider.

Options Considered:

Do nothing – This is a statutory provision therefore the existing contract cannot be allowed to just expire.

Re-tender the existing service by March 2024 – this would be impossible given the time scales and wouldn't allow for a full review of the service requirements and consultation with stakeholders.

24-month award - Recommended option as laid out above in reasons section.

Financial Implications:

As an existing service on the existing terms and conditions, there are no new spending commitments.

Costs:

The contract, up until early 2023 was operated as a block contract delivering 1095 short break nights per year. Brandon Trust, and other providers operating in the north of the authority area, have historically struggled to recruit care staff for a variety of reasons, including the rurality of the area and the proximity to Bristol where pay rates are often higher and more attractive. These challenges, along with problems recruiting into the care sector in general, have resulted in long term vacancies and Brandon Trust no longer able to fulfil the block of 1095 nights. The block contract was removed, and Brandon Trust now operates the contract on a spot basis at approximately 75% capacity.

This provision has received significant uplifts over the last year to ensure the service is sustainable. Brandon Trust has agreed to continue delivery of the provision on a spot basis at the current rate of £23.96 per hour. Further inflationary uplifts to be applied annually, April 2024 and April 2025 in line with agreed council uplifts.

The current spot budget per annum is as follows:

- Children's £225,796
- Adults £398,817
- **Total £624,613**

Legal Powers and Implications:

It is a requirement of the Care Act 2014 that service failure risk is mitigated by the LA and Brandon Trust is a provider delivering high risk services on behalf of the LA.

Section 5 of the Care Act 2014 requires LA's to help shape the market for services within their area, what this means is that LA's must ensure steps are taken so that there is a sufficient supply of short breaks to meet local need as disabled young people transition to adulthood.

The provision of suitable respite care services remains a statutory requirement under the Chronically Sick and Disabled Persons Act 1970, although the type of support is not specified. The Children and Families Act 2014 and Care Act 2014 requires local authorities to ensure access to more personalised care services.

We have a duty to ensure that any future service redesign and commissioning process is co-produced with young people, families, and carers.

Existing terms and conditions apply.

Direct Award under regulation 32 of the Public Contracts Regulations 2015.

Climate Change and Environmental Implications:

Staff will be on for the whole 24-hour shift pattern, as opposed to 21 hours, so the potential is there for them to lift share where appropriate to get to work, which could decrease vehicle emissions.

Consultation:

Commissioners and Procurement have consulted with operational members of staff and parent/carer representatives who took part in the evaluation of the bid received and all are in agreement that this is the best approach given the lack of suitable bids.

Brandon Trust has agreed to this contract extension.

There is no change in service for this short-term award and therefore no other consultation has taken place at this stage.

A review of the whole service will be undertaken and will include talking to the current provider and others delivering similar services in the region and beyond, to look at different options, including the possible relocation of the Short Breaks Service within the authority area where recruitment is easier, and repurposing the Pizey Avenue building into supported living, which may be easier to recruit into due to the regular hours/shift patterns. Any service redesign will also require consultation on and the management of stakeholder expectations.

Following a complete review of the service, this project will be added to the annual Commissioning Intentions Plan for Adults and Children's Services and a Procurement Plan will be produced detailing the revised route to market.

Risk Management:

An overall risk rating of LOW has been determined, applying the principles of the corporate risk scoring matrix.

Mitigation of identified risks are supported by a thorough risk assessment completed by the Commissioner and the Procurement Team, against each individual activity, and will be monitored and mitigated throughout the contract monitoring.

Equality Implications:

Have you undertaken an Equality Impact Assessment? Yes for the original contract and the Commissioning Plan

This decision will not cause direct impact upon service users.

Corporate Implications:

This contract straddles both Adult Social Services and Children’s Services given the age demographic of the service users who attend. They are inherently vulnerable given they have a range of complex disabilities and a learning disability to attend the provision. It is the only provider of overnight respite services in North Somerset for this group.

Appendices:

N/A

Background Papers:

Commissioning Plan

Signatories:

Decision Maker(s):

Signed: 

Title: Director of Adult Social Services

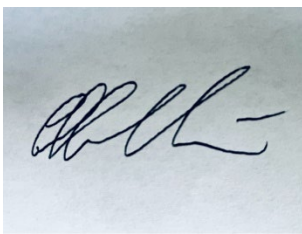
Date: 5 February 2024

Signed: 

Title: Director of Children’s Services

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With advice from:



Signed:

Title: Head of Procurement

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Title: Section 151 Officer

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