

<b>Item No.</b> 16.	<b>Classification:</b> Open	<b>Date:</b> 13 March 2018	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		Gateway 1 - Procurement Strategy Approval Care at Home and in the Community for Children and Young People with Special Educational Needs and Disabilities	
<b>Ward(s) or groups affected:</b>		All	
<b>Cabinet Member:</b>		Councillor Peter John, Leader of the Council	

## **FOREWORD – COUNCILLOR PETER JOHN, LEADER OF THE COUNCIL**

Following the council's commitment to developing the Southwark Ethical Care Charter for adult homecare, it is warmly welcomed that this report sets out how this will be fully extended to care at home and in the community for children and young people with special educational needs and disabilities.

Every child in Southwark deserves the best start in life and our expectation is that children and young people with special educational needs or disabilities and their families get the very best care packages. Care should meet their needs, enable a better quality of life and should offer seamless and personalised support from childhood to adulthood. In addition, this procurement is also underpinned by a commitment to improve the outcomes for our children and young people and to put the child or young person and their family right at the centre of the commissioning of care packages so that they are empowered to have choice and control over their care.

The new framework proposed will fully comply with the Southwark Ethical Care Charter. The Charter establishes a minimum baseline for safety, quality and dignity of care by ensuring fair employment conditions for home care staff (including sustainable pay, conditions and training levels). Services are commissioned according to need, not hours or tasks. Homecare workers are paid for additional travel time and expenses. Fair terms and conditions ensure a well-trained workforce which has the ability to provide appropriate and high quality care. Payment of the London Living Wage (as a minimum) not only improves the financial well-being of homecare workers, it also recognises the skills and competencies that they deploy on order to keep children and young people safe and well.

## **RECOMMENDATIONS**

1. That Cabinet approve the procurement strategy outlined in this report for Care at Home for Children and Young people with Special Educational Needs and Disabilities (SEND), namely to create an outcomes-based framework in partnership with NHS Southwark CCG with an estimated total value of £13.8 million. The contract is expected to start on 3 December 2018.
2. That Cabinet note the estimated value of services purchased by the Council through the framework to be £2.6 million per annum, for a period of up to three years (two years plus option to extend for one year) making a total contract value of £7.8 million.

3. That Cabinet note that NHS Southwark Clinical Commissioning Group (CCG) will be invited to participate in the framework agreement with an estimated spend by the CCG of £2 million annually, for continuing care needs for children with disabilities, making a total contract value of £6 million over three years.
4. That Cabinet note that this form of homecare service for young people will follow the Southwark Ethical Care Charter.

## **BACKGROUND INFORMATION**

5. Southwark Council's Children and Young People's Plan, underpinned by the Children and Families Act 2014, outlines an expectation that children and young people with special educational needs or disability and their families access a local offer of seamless, personalised support from childhood to adulthood. As a result, children with disabilities are able to access care packages that enable a better quality of life. The care packages referred to in this document take place in the home and or in the community.
6. Care packages take into account not only the child's need but the wider context of the family and parental circumstances. The Children and Families Act requirement is intended to support parents or carers to continue providing care for their children at home, taking into account the parent or carers' need to engage in employment.
7. Delivery of care is such that care workers do not move from child to child throughout the day, but instead have visits rostered with the same child throughout the school day. Visits tend to be in the morning or in the evenings.
8. Children and young people are assessed by a multi-disciplinary team to understand if they meet the criteria for continuing care. Packages are put in place when criteria are met via the MATCH (Multi-agency Team around the Child) panel with representatives from health, social care, education and providers. Care packages may be funded by both the Council and the CCG based the needs.
9. Care packages consist of personalised care and support delivered by carers to carry out a programme of activities with disabled children and young people who have a range of needs, including some complex need, both in their homes and the community.
10. Care packages funded by the CCG will consist of nursing care delivered by Children's Nurses or trained Healthcare Assistants to fulfil the direct nursing needs of disabled children and young people with the most complex needs.
11. Council provided care packages are purchased on an ad hoc basis as required from a number of providers that were on a now expired framework. These care packages provide care and support for children, young people and their families so that independent living at home can be optimised.
12. NHS Southwark CCG provides continuing care packages for children and young people if they have needs arising from disability, accident or illness that cannot be met by existing universal or specialist services alone. These are also purchased on an ad hoc basis as required from providers who were on the expired framework.
13. There are currently 293 children and young people accessing care packages through Southwark Council. Current annual spend on care packages by the council

for children and young people in this cohort is approximately £2.6 million. The current spend on children aged 0-14 is £1.2 million and for young people aged 14-18, £1.4 million.

14. There are currently a total of 23 children and young people receiving continuing care packages funded by the CCG. The current spend is £2 million per annum.
15. It is anticipated that this procurement will put in place a new framework with a start date of 3 December 2018. A steering group will be fully established to lead the procurement with representation from care, health, education; other key stakeholders such as parents will be involved in the tender particularly the engagement and evaluation components.
16. Whilst the current framework expired at the end of 2016, ad hoc purchasing has continued from providers within the expired framework. There have been changes to commissioning arrangements across the council and CCG and some bespoke work has been undertaken to update the needs analysis, which has led to a delay in re-procuring the framework. When the new framework is procured it will conform to the Southwark Ethical Care Charter.
17. The council and the CCG have to date utilised a four-borough preferred provider framework. Orders placed under that framework will continue to operate on an ad hoc purchasing basis until a new framework is procured. Under the expired provider framework providers were expected to adhere to Unison's ethical home care charter of April 2013 which stipulated that providers must ensure and evidence that workers are paid the London Living Wage and that service users are at the centre of care and have choice regarding how, by who and when it is delivered. From the 22 providers on the expired framework there are currently 11 providers delivering care packages (personalised care and nursing) and they offer the London Living Wage. We anticipate that these providers will wish to bid to join the new framework on the same basis but we will seek to enhance the framework by ensuring compliance with the Southwark Ethical Care Charter. Current packages will continue and care package reviews will ensure quality and choice is provided.

#### **Summary of the business case/justification for the procurement**

18. Southwark Council commissioned IPC (Institute of Public Care) to produce a report to inform the work of the procurement steering group and its stakeholders to prepare for the development of an outcome based approach to the design, procurement and delivery of a new home care service – Designing Care at Home for Children and Young People. A copy of the report dated October 2015 can be found in Appendix 1.
19. Southwark Council and NHS Southwark CCG want to explore options that enable care packages to be delivered in a more flexible way, and provide high quality and responsive services for children and young people with SEND. Officers consider that purchasing on an ad hoc basis from current preferred providers does not allow us to achieve this. Establishing a more flexible framework including a wider range of providers should allow better value to be secured through the more effective leveraging of the Council and CCG buyer power and the setting of rates upfront.
20. Southwark Council and NHS Southwark CCG are seeking to;

- Ensure that commissioning is based on desired outcomes, at both population and individual level for this group of children and young people. The current ad hoc purchasing arrangements do not facilitate this in a systemic way.
- Emphasise their commitment to the Southwark Ethical Care Charter and ensure that contracts with external providers comply with the Charter. The current ad hoc purchasing arrangements do not facilitate such compliance.

### **Market considerations**

21. This is a mature/developed market. There were twenty-two (22) providers on the expired framework with over 50 more bidding to join the framework. A maximum number could be set following market engagement activity if required. Nursing and personal care are regulated activities under Schedule 1 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014. All providers carrying out regulated activity must be Care Quality Commission (CQC) registered.
22. Undertaking this procurement provides an opportunity to test, engage and encourage interest of the market of potential bidders; market engagement will be undertaken with existing and national providers of services for children and young people. This procurement can be expected to attract new providers given the range of needs identified for this cohort of children and young people with SEND. Potential providers will be CQC registered. Officers want to ensure that the Care at Home and in the Community for Children and Young People procurement delivers on the Southwark Ethical Care Charter (SECC) and achieves the London Living Wage (LLW) commitment. We would consider consortia bids as this may facilitate bids by smaller local organisations.

### **KEY ISSUES FOR CONSIDERATION**

#### **Partnership considerations**

23. The decision for the CCG to participate in the framework will obtain final approval at the CCG's Commissioning Strategy Committee on 1<sup>st</sup> March 2018. There is an established panel to make funding decisions about care package bands at the MATCH (Multi-agency Team around the Child) panel with representatives from health, social care, education and providers.

#### **Options for procurement route including procurement approach**

24. This procurement is driven by the need for value for money, improved choice and better outcomes. This procurement falls under the light touch regime (LTR) as defined in the (EU) Public Contracts Regulations 2015.

The following options have been considered:

Option 1: Do nothing. This is not an option given that there is a statutory duty to provide care packages.

Option 2: Continue with ad hoc purchasing from providers. The council and CCG are keen to explore new ways of procurement which would enable better and improved outcomes for our children and young people with SEND and reduce cost of care packages. This option would not allow this to happen. This option also

would not enable compliance with the Southwark Ethical Care Charter or be compliant with EU procurement processes.

Option 3: Joint working. Officers have identified benefits from commissioning with the local CCG. These benefits include identifying suitable providers for children and their families where they have health and social care needs, and cost effective micro-commissioning. Further collaboration is being explored with neighbouring boroughs. Lambeth and Bexley have confirmed that they do not wish to join this procurement exercise, they will continue to purchase on an ad hoc basis. Lewisham is creating its own framework with its own CCG. Opportunities for joint working across the four organisations will continue to be explored.

Option 4: Move to direct payments. We must continue to offer directly funded care purchased from providers for those children, young people and families for those that do not wish to manage a direct payment. This option would move towards further enabling and empowering children, young people and their families to be in direct control of their care package. However, there is a risk this option does not improve care packages, provide an increased range of service options or reduce cost for the cohort as ad hoc purchasing would be continued from the expired framework. As direct payments pass commissioning responsibility to the service user, compliance of providers with the Ethical Care Charter can be encouraged but not enforced through contractual means.

Option 5: Undertake a competitive EU compliant procurement process in order to establish a framework of providers to deliver health and social care packages. This framework would cover continuing care and social care needs. The Southwark Ethical Care Charter is also a key factor for procurement. Southwark will be one of a very small number of signatories applying the Charter to children's home care. The council also considered an external procurement involving the use of a dynamic purchasing system (DPS), and making use of pre-existing frameworks procured by external parties. The administrative burden of the DPS was considered too much of a risk for this procurement due to the need to continually evaluate applications and the increased administrative burden of the application of mini competition for placements. In addition the council were unable to identify any suitable third party frameworks which could be joined.

Option 6: Provide services in-house, it would not be possible to provide the range and number of flexible options to meet local needs; for nursing care, the council has no track record or expertise in providing such care directly. The children and families for whom these services are required have widely different needs and individualised care packages are important in meeting these, hence the need for a relatively high number of flexible providers.

Option 7: Council only procurement. This is not supportive of well-established working arrangements at the MATCH Panel in deciding the care packages that are delivered. Excluding the opportunity for the CCG to join the procurement would not be in tune with the council and CCG commitment to work jointly to deliver the best possible care and improve services for local people. This option would not enable care packages to be delivered flexibly or be responsive to the need of children and young people with SEND who often need both bands of care.

### **Proposed procurement route**

25. Option five (5) is the most viable route and offers a way forward for partnership working across health and social care and supports delivery of personal budgets.

We are not seeking to limit the number of providers given the range of needs and types of services that may be required. We however expect that the providers in the market to be able to be able to provide Band A, Band B or both Band A and B. as outlined below.

26. Southwark Council and NHS Southwark CCG also want to ensure that value for money is improved in commissioning of care packages. Tendering for a new framework agreement is an option that has the potential to reduce the cost of care packages.
27. While directly funded care packages will continue to be provided, the proposed procurement strategy is intended to cease the use of ad hoc purchasing from the currently expired framework and move to commissioning from providers on a new framework agreement. This will still allow children, young people and their families to exercise choice and ensure that the Southwark Ethical Care Charter is implemented.
28. It is anticipated that there will be two lots or bands for the service within the framework:

**Band A:** Personalised Care and Support delivered by Carers with experienced carers trained to an advanced level and by support workers to carry out a programme of activities with disabled children and young people who have a range of needs, some complex need, both in their homes and the community.

**Band B:** Nursing Care delivered by Children’s Nurses or trained Healthcare Assistants to fulfil the direct nursing needs of disabled children and young people with the most complex needs (continuing care eligible) as set out in the child specific care plan.

### Identified risks for the procurement

29. A risk register of the key risks identified is set out in the table below. The steering group will regularly review these risks. Actions being taken to mitigate risks are identified in the right-hand column of the table.

No	Risk	Likelihood	Mitigating Actions
1	Cost of procuring differently increases, leading to a reduction in any savings that can be achieved.	medium	Work closely with finance to ensure close attention to present and potential costs, taking account of market fluctuation.
2	The timeframe for the procurement may slip.	medium	Allow for slippage within timeframe and project management of the procurement.
3	Lack of market interest – not enough bids of sufficient quality to form a framework.	low	Well planned market engagement and communication about forthcoming tender.
4	Council and CCG unable to manage implementation and delivery of joint framework due to complexity and or limited resources.	low	Make best use of existing resources which are already in place. Steering group with a wide range of expertise.

## Key/non-key decisions

30. This report deals with a key decision.

## Policy implications

31. The Council and the CCG are seeking to commission directly funded care packages using a Framework for Health and Care packages for Children and Young People with SEND and continuing care needs. This has the potential to reduce management and transactional costs as well as help to meet our duties to jointly commission for SEND under the Children and Families Act 2014.

32. This procurement strategy seeks to achieve the following objectives and outcomes for children, young people and their families;

- Ensure that children and young people and their families have choice and quality care and support to meet needs of local children and young people.
- Place the child or young person and family at the centre of everything we do in the development and commissioning of care packages provision.
- Align resources to support seamless planning across the continuum of need
- Ensure effective information and advice about care packages in order to empower children, young people and their families
- Empower providers to develop quality care packages provision which meets families' needs
- Enable families to choose how they access the support offered by a care package.
- Ensure that high-quality, flexible and responsive care packages are provided for children and young people with special educational needs and disabilities and their families and is readily available at the right time to those who need it.
- Empower families to make better use of the range of opportunities available to them
- Ensure value for money
- Ensure fairness of access.

33. Trade union recognition will be stipulated in the procurement.

## Procurement Project Plan (Key Decisions)

Activity	Complete by:
Enter Gateway 1 decision on the Forward Plan	24/01/2018
DCRB Review Gateway 1	07/02/2018
CCRB Review Gateway 1	15/02/2018

<b>Activity</b>	<b>Complete by:</b>
Brief relevant cabinet member (over £100k)	13/02/2018
Notification of forthcoming decision - Cabinet	13/02/2018
Approval at CCG Commissioning Strategy Committee	01/03/2018
Approval of Gateway 1: Procurement strategy report	13/03/2018
Scrutiny Call-in period and notification of implementation of Gateway 1 decision	21/03/2018
Soft market testing and engagement/consultation	27/04/2018
Completion of tender documentation	11/05/2018
Publication of OJEU Notice	18/05/2018
Publication of Opportunity on Contracts Finder	23/05/2018
Invitation to tender	23/05/2018
Closing date for return of tenders	11/07/2018
Completion of any clarification meetings/presentations/evaluation interviews	25/07/2018
Completion of evaluation of tenders	05/09/2018
Forward Plan Gateway 2	02/11/2018
DCRB Review Gateway 2:	07/11/2018
CCRB Review Gateway 2	08/11/2018
Notification of forthcoming decision – despatch of Cabinet agenda papers	21/09/2018
Approval of Gateway 2: Contract Award Report	13/11/2018
End of scrutiny Call-in period and notification of implementation of Gateway 2 decision	21/11/2018
Debrief Notice and Standstill Period	23/11/2018
Contract award	26/11/2018
Add to Contract Register	26/11/2018
Place award notice in Official Journal of European Union (OJEU)	26/11/2018
Place award notice on Contracts Finder	26/11/2018
Contract start	03/12/2018
Initial contract completion date	02/12/2020
Contract completion date – (if extension(s) exercised)	02/12/2021

### **TUPE/pensions implications**

34. Currently services are purchased on an ad hoc basis from a number of different providers. This means that there will not be a single organised grouping of employees so TUPE will not apply to the arrangements as a whole. However, it is possible that within the current services there are some arrangements that could be

covered by TUPE. TUPE can apply if there is an organised grouping of employees carrying out certain activities. There may be a care package for a particular child or young person that is undertaken by a dedicated group of carers or single carer and TUPE could potentially apply in those circumstances. More information will need to be obtained about the details of current arrangement to ascertain whether TUPE could apply in some circumstances and the implications.

35. If TUPE does apply it will be unlikely to directly affect the council as an employer. The procurement plan will need to ensure that there is sufficient time for the incumbent and new providers to comply with their duties under TUPE. Due diligence of the current providers' workforce will also need to be carried out before the tender process commences as its results need to be included in the tender pack. Tenderers will be directed in the tender documentation to seek their own independent advice and no warranties will be given as to the application of TUPE.

### **Development of the tender documentation**

36. The tender documentation required to set up the framework will be developed by the procurement steering group which will include officers from the council's legal, finance and corporate procurement teams.
37. The AD for Partnership Commissioning will oversee all elements of the procurement process and sign off all the relevant tender documentation (Official Journal of the European Union (OJEU) contract notice, Selection Questionnaire, Invitation to tender (ITT), service specification and the quality and price evaluation methodologies).
38. The procurement steering group is comprised of members from the Council and CCG on the SEND Joint Commissioning Working which reports to the SEND Governance Board co-chaired by the Director of Education, Southwark Council and Director of Quality and Chief Nurse, NHS Southwark CCG.

### **Advertising the contract**

39. The tender will be advertised in a number of ways:
  - Notice in OJEU
  - Publication of notice on Contracts Finder
  - London Tenders Portal.
  - Existing and other Care at Home providers known to the council and CCG will also be alerted to the advert placed on the council's website.

### **Evaluation**

40. Evaluation criteria will be developed by the steering group and will consider feedback from users of existing services.

The contract will be awarded using an open tender process consisting of 3 stages. The first stage will be quality based and include a selection questionnaire followed by the method statement.

- Stage 1 - Selection Questionnaire which will consist of pass/fail questions. The Council will reserve the right not to continue the evaluation to the method statements with any bidder who fails any of the selection questions.

- Stage 2 - Method statements will be used to evaluate tenders against key quality criteria such as quality of resources, approach to service delivery, management of information and approach to service improvement. Only tenders meeting the quality threshold will then be assessed on price.
- Stage 3 - The method of allocating to Bands will be determined after market engagement and finalised by the project board.

In order to secure the best service possible from providers, with outcomes for users, the report proposes a weighted model of 60/40, price/quality.

### **Community impact statement**

41. The Public Sector Equality Duty under the Equality Act 2010 will apply. This requires that the Council has due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out its activities. To ensure that the council meets these obligations an equality analysis will be undertaken to inform and update to the service specification and findings of that equality analysis will be noted in the Gateway 2 report. However, the proposed procurement is intended to benefit vulnerable children and young people having a protected characteristic under the Equality Act.
42. As there may be changes to service users and other stakeholders the council will also consult with those affected as part of the tender and procurement process, in order to minimise the potential for discrimination and to advance equality of opportunity and foster good relations between people with different protected characteristics,

### **Improved response to diversity and cultural difference**

43. The prevalence of special educational needs and disabilities varies significantly between children and young people from different ethnic backgrounds.
  - The prevalence of SEND among different minority groups in Southwark mirrors the national pattern, with the highest prevalence among those from a Black Caribbean ethnic background. Locally more than 1 in 4 children attending Southwark schools who are from a Black Caribbean background have special educational needs or disabilities.
  - In contrast, approximately 1 in 13 children from an Indian ethnic background attending Southwark schools have SEND.
44. Southwark is an extremely diverse borough and this applies both to its service user and carer population and its Care at Home and in the community workforce. Within that diversity, Southwark has a number of communities which have been generally regarded as 'hard to reach'. A further factor is that a significant proportion of the homecare workforce comes from a BME background. Southwark's rich diversity is a real strength. Clearly an awareness of linguistic, cultural and religious factors, and the skills required to deliver caring respectful and responsive services across the different groups in this context will be important for providers in the new pattern of services.

### **Social value considerations**

45. The Public Services (Social Value) Act 2012 requires that the council considers, before commencing a procurement process, how wider social, economic and environmental benefits that may improve the well-being of the local area can be secured. The details of how social value will be incorporated within the tender are set out in the following paragraphs.

### **Economic considerations**

46. Local companies will be able to bid for inclusion on this framework and if successful, will help to promote local jobs to local people in delivering care for children and young people.

### **Social considerations**

47. The Council has made a commitment to ensure that the London Living Wage (LLW) benefits were extended to not only the council's directly employed staff but also those who work for the council through contracts. Since the introduction of this commitment in 2012, the LLW has been included in all relevant procurements and in some cases to existing contracts.
48. For this procurement the council will stipulate the LLW requirement for all employees, workers and sub-contractors engaged by the provider on the contract. It is recognised that some services for example nursing services, all staff are paid LLW. The tenderers' support of the council's LLW commitment will be tested fully through the procurement process. The council will need to be satisfied that, where there are any business models with self-employed components, self-employed workers are paid the LLW or, in the case of genuinely self-employed independent contractors, paid fees which support the council's Fairer Future Procurement Strategy.
49. The Southwark Ethical Care Charter, to which the council is committed, establishes a minimum baseline for safety, quality and dignity of care by ensuring fair employment conditions for home care staff (including sustainable pay, conditions and training levels). Services are commissioned according to need, not hours or tasks. Homecare workers are paid for additional travel time (ie time which is additional to travel time between home and their allocated work base) and expenses. Fair terms and conditions ensure a well-trained workforce which has the ability to provide appropriate care. The workforce in these services is predominantly women performing tasks which require semi-skilled or skilled expertise. Payment of the minimum LLW not only improves their financial well-being, it also recognises the skills and competencies that they deploy in order to keep children and young people safe and well.
50. The council's Fairer Procurement Strategy is designed to ensure best value and continued improvement in everything purchased by the council. The policy ensures compliance with best value, probity and transparency principles, with all organisations in any given market following the same rules.

### **Environmental/sustainability considerations**

51. As a minimum, providers will be expected to have environmental policies in place for their organisations, particularly with regard to transport. This will be assessed during the procurement process.

## **Plans for the monitoring and management of the contract**

52. There is strong commitment to an outcome based approach, and potentially incentives for successful delivery of them. It is clear both from the views of service users and the experience of other local authorities that an outcome based approach can only be delivered successfully with a holistic and flexible approach. This has implications not only for Care at Home workers but for other professionals and agencies involved - collaboration, avoidance of duplication, consistency of care and good information sharing will all be required so that service users feel they are being supported by a well-integrated team.
53. Day to day monitoring of the contract will be achieved through monthly review meetings between officers and the provider(s). The contract will be monitored and managed in respect of:
- London Living Wage
  - compliance with the specification and contract terms and conditions
  - cost
  - user satisfaction
  - risk management
  - key performance indicators.
54. Annual Performance Reviews will be reported to DCRB (Departmental Contract Review Board) and the CCRB (Corporate Contract Review Board).

## **Staffing/procurement implications**

55. There is a cross departmental/organisational project team tasked with delivering this procurement across the Council and CCG. There are governance arrangements in place to oversee the progress of the procurement and to make necessary decisions during the process.
56. The steering group will report to the Special Educational Needs and Disability (SEND) Governance Board.

## **Financial implications**

57. Direct payment and package budgets are under significant pressure with an adverse variance of £1.2m forecast in 2017-18 as demonstrated in the table below. The proposals in this report estimate that the future annual cost to the council will be £2.6m, a significant improvement on the current estimate of £3.2m. However this still leaves an estimated annual shortfall of around £600k which will be contained within the £3.8m earmarked in the 2018-19 Adult Social Care budget for pressures within the All Age Disabilities pathway.

## Direct Payment and Package Budgets

Age Range	Budget £000	Forecast £000	Variance £000
0-14	1,020	1,864	844
14+	1,014	1,338	324
	<b>2,034</b>	<b>3,202</b>	<b>1,168</b>

### Legal implications

58. Please see concurrent from the director of law and democracy.

### Consultation

59. A consultation will take place with service users including children and young people and their families to support the procurement process including direct involvement in engagement events and evaluation of bids.

60. Soft market testing event with providers will also take place.

### SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

#### Strategic Director of Finance and Governance (26TJ1718)

61. The strategic director of finance and governance notes the contents of this report, especially those contained within the Financial Implications paragraph and that any cost reductions achieved as a result are likely to have a part year effect in 2018-19 due to the proposed implementation date of 3 December 2018. Any budget pressure experienced by this service will have to be contained within the overall budget of the C&AS Department.

#### Head of Procurement

62. This report seeks approval for the procurement strategy for care at home services for children and young people with special educational needs and disabilities, for a period of up to three years at a total cost of £7.8 million.

63. The proposed procurement route, outlined in paragraphs 21 and 22, is to establish a framework through a competitive EU compliant tender process in line with the EU regulations and Council's own contract standing orders.

64. Paragraph 2 explains that NHS Southwark Clinical Commissioning Group (CCG) will also be invited to participate in the framework at an estimated cost to them of £6 million, this is contingent on approval being confirmed as detailed in paragraph 20.

65. The identified risks and proposed mitigation of this tender are laid out in paragraph 23 and the associated table.

#### Director of Law and Democracy

66. This report seeks approval of the procurement strategy for care at home services for children and young people with special educational needs and disabilities.

67. Due to the nature and estimated value of the services that the council requires the procurement of those services will be subject to the application of the European procurement regulations (Public Contracts Regulations 2015) as well as relevant domestic legislation and the council's Contract Standing Orders.
68. The report details a proposal to establish a framework following an EU compliant procurement process which will be available for use by the council and the NHS Southwark CCG.
69. The decision to approve the recommended procurement strategy is one which is expressly reserved to the cabinet under the council constitution.
70. The community impact statement set out in paragraphs 41 and 42 of this report summarises the effect of the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, and in making procurement decisions the Council must consider and have due regard to any effects of the decision on the community at large and on people identified as possessing "protected characteristics", as defined in the Act. The report identifies the diversity of service users and the carer workforce as well as the diversity and prevalence of special educational needs and disabilities across ethnic groups, and it notes that an equality analysis will be undertaken, both to enable the council to demonstrate its compliance with the PSED and also to inform the service specifications for the new framework.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
None		

## APPENDICES

No	Title
Appendix 1	Designing Care at Home for Children and Young People

## AUDIT TRAIL

<b>Cabinet Member</b>	Councillor Peter John, Leader of the Council	
<b>Lead Officer</b>	David Quirke-Thornton, Strategic Director Children's and Adults Services	
<b>Report Author</b>	Carol-Ann Murray, Joint Commissioning Manager - Children and Young People	
<b>Version</b>	Final	
<b>Dated</b>	1 March 2018	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Governance	Yes	Yes
Head of Procurement	Yes	Yes
Director of Law and Democracy	Yes	Yes
<b>Contract Review Boards</b>		
Departmental Contract Review Board	Yes	Yes
Corporate Contract Review Board	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>		1 March 2018