

Item No.	Classification: Open	Date: 9 February 2023	Meeting Name: Strategic Director for Children's and Adults' Services
Report title:		Gateway 2 – Contract Award Approval Older People's Residential Care Provision	
Ward(s) or groups affected:		All	
From:		Director of Commissioning	

RECOMMENDATION

1. That the Strategic Director for Children's and Adults' Services, in consultation with the Cabinet Member for Health and Wellbeing, approve the contract award for Older People's Residential Care provision to Agincare Homes Holdings Ltd for an initial period of ten years from 1 May 2023 with an option to extend for a further five years (+5) for an estimated annual contract value of £9.3m and a whole life contract total value of £139.6m.

BACKGROUND INFORMATION

2. The council commissions residential and nursing care services as one means of discharging its statutory duties under the Care Act 2014 and implementing its vision for the future of adult social care.
3. The services commissioned are for those residents with social care needs who can no longer live independently in their own homes or safely in less dependent accommodation such as extra care or sheltered schemes.
4. There are four council-owned properties (Rose Court, Bluegrove, Waterside and Greenhive) providing residential care via a long term twenty-five year contractual arrangement which commenced 14 December 2000 between the council and Anchor Hanover who deliver the service.
5. The contract is due to expire in December 2025 and early termination of the contract has been the subject of recent discussions with the provider. Therefore, the council has taken the opportunity to assess future arrangements based on its organisational responsibilities and priorities.
6. On 13 July 2021, Cabinet approved the procurement strategy for residential care provision including reablement services for the four council owned care homes currently provided by Anchor Hanover. Cabinet also delegated the award of contract/s, to the Strategic Director for Children's and Adults' Services, in consultation with the Cabinet Member for Health and Wellbeing.

7. The procurement comprised two lots, each containing two of the council- owned care homes allowing bidders to bid for one lot for two homes or both lots (comprising all four homes).
8. The tender was published in November 2021 and closed in January 2022. Two bids were received. One complete bid was received for one of the two lots and the second bid was non-compliant as it was incomplete.
9. Both bids were from organisations with experience of delivering homecare services only. Upon undertaking a suitability assessment of the complete bid, it had been established that the bidder did not have sufficient experience, capability and expertise in the delivery of residential care services as per the minimum requirements set out in the tender documents.
10. Following consultation with legal, procurement and senior colleagues in Adult Social Care, it was agreed that the low number of bids and the capability of the bidders had resulted in the procurement exercise failing to deliver the procurement strategy as set out in the Gateway One report and therefore the procurement was discontinued.
11. Upon informing the market of the council's decision to discontinue the procurement exercise, five care home providers who had expressed an interest in the tender but did not bid were asked for feedback on the tender and the reasons for not bidding. In addition, they were asked if they would be interested in participating in a negotiated procedure with the council.
12. Two bidders confirmed their interest in participating in a negotiated procedure, one of which was the incumbent provider. The other bidders did not respond.
13. Prior to the negotiated procedure commencing, a project team was formed to revisit the needs of residential care, nursing care, reablement and Discharge to Assess (D2A).
14. The work undertaken analysed the future demand needs of residential and nursing care in order to ascertain the configuration of services across the four homes. The output of this work has informed the new service delivery model and the negotiated procedure.
15. The new service maximises the use of the four council-owned homes by providing a mixed model of care, which will flex according to the changing landscape ensuring that the profile of care needs is continually met.

Procurement project plan (Key Decision)

16.

Activity	Completed by/Complete by:
Forward Plan (If Strategic Procurement) Gateway 2	01/08/2022
Brief relevant cabinet member (over £100k)	31/01/2023
Approval of Gateway 1: Procurement Strategy Report	13/07/2021
Invitation to negotiate	18/07/2022
Closing date for Initial tenders	29/08/2022
Evaluation of Initial Proposals	07/09/2022
Commencement of Negotiation Rounds	12/09/2022
Completion of Negotiation Rounds	03/11/2022
Closing date for return of Final tenders	16/11/2022
Completion of evaluation of tenders	01/12/2022
DCRB Review Gateway 2:	04/01/2023
CCRB Review Gateway 2:	12/01/2023
Notification of forthcoming decision – Five clear working days	07/02/2023
Approval of Gateway 2: Contract Award Report	15/02/2023
End of Scrutiny Call-in period and notification of implementation of Gateway 2 decision	24/02/2023
Contract award	27/02/2023
Add to Contract Register	28/02/2023
TUPE Consultation period (if applicable)	30/04/2023
Contract start	01/05/2023
Publication of award notice in Find a Tender Service	28/02/2023
Publication of award notice on Contracts Finder	28/02/2023
Contract completion date	30/04/2033
Contract completion date – if extension(s) exercised	30/04/2038

KEY ISSUES FOR CONSIDERATION

Description of procurement outcomes

17. The outcome of this procurement will result in a block contract comprising 182 beds of the 224 in total (81% block bed arrangement) across the four homes. The remaining 19% of beds, are allocated to either self-funders or other local authorities. This arrangement has resulted in a new improved service for Southwark residents

who either reside currently in the homes or may do in future by commissioning a strategic partner who shares Southwark's vision to transform the home/s into being able to provide nursing care in the future.

18. The transformation of these homes puts residents first by providing nursing care which will allow residents the opportunity to stay in their current care setting without the need to move to a new home, thereby benefitting from familiar surroundings and avoiding the distress and upheaval of moving to a new home environment.
19. The new service will also include reablement and D2A provision provided for in one of the care homes (Waterside). The nature of these short-term services requires the provider to be flexible to meet demands at various intervals.
20. The preferred bidder has demonstrated their commitment to this future model and the Residential Care Charter via their method statement responses and by including these initiatives within their price submission, all of which have reflected the discussions held throughout the negotiation rounds.
21. The procurement has resulted in the council finding a strategic partner with over thirty-five years of experience in providing all types of social care in a variety of environments with the ability to adapt to changing models of care and service development. All of which has been demonstrated and evaluated as part of the negotiated procedure.

Key/Non Key decisions

22. This report deals with a key decision.

Policy implications

23. The council has a statutory responsibility to provide care and support to meet people's eligible care and support needs, as directed by the Care Act 2014.
24. The council uses residential care provision to fulfil its statutory social care duties under the Care Act 2014.
25. Southwark Council's vision is to achieve a fairer future for all in Southwark. A core value of Southwark council is to treat residents as if they are a valued member of our own family.
26. This procurement embraces Southwark Council's values and requires the provider to sign up to Southwark's Residential Care Charter, Fairer Future Procurement Framework and the End Violence at Work charter.
27. The provider is also required to support the council's Southwark Stands Together work programme by supporting the pledges of the programme in their homes to tackle racism and inequality in the borough of Southwark.

Tender process

28. Following the discontinued procurement which had been advertised in the following places:

- Find a Tender
 - ProContract
 - Contract Finder
29. The new procurement followed the procedure of the 'Negotiated Procedure without Prior Publication'.
30. Initial meetings with two bidders whom had expressed an interest to participate in the negotiated procedure took place prior to the commencement of negotiations to share information on the proposed service model and the process in which the negotiations would be undertaken.
31. Each party expressed specific areas they wanted to be included in the negotiations such as:
- Rent and lease arrangements
 - Size of block and voids approach
 - Financial envelope and costs
 - Requirements for the development of a strategic relationship
 - Key areas within the specification such as transitioning a home to be able to deliver nursing care
32. An 'Invitation to Negotiate' (ITN) document incorporating a suitability assessment, service specification, method statements, pricing schedule, draft conditions of contract and a lease agreement was issued to both bidders on 18 July 2022.
33. The document set out instructions and guidelines for the tender with the following information on the tender stages:
- a) Negotiated Procedure timescales
 - b) Initial tender submission
 - c) Bidder presentation on proposed service delivery
 - d) Care Home visits
 - e) Dates of each negotiation round
 - f) Service user presentation
 - g) Final tender submission
34. The evaluation process consisted of an evaluation of an initial submission accompanied by a bidder presentation on service delivery in accordance with the requirements set out in the tender documents. Bidders were also invited to visit the care homes to familiarise themselves with the homes and the feasibility of transforming the homes to deliver nursing care in the future.
35. Negotiation rounds commenced with commissioners and service leads presenting the future vision of the service and feedback on the bidders initial proposal indicating where further explanation on service delivery was required to improve their written response. Subsequent rounds were used to negotiate the topics set out in paragraph 31.

36. Once an agreement on all negotiation topics had been reached, a final tender submission incorporating any changes and points of clarification would be submitted for final evaluation ahead of a contract award recommendation.
37. The evaluation criteria consisted of a weighting of quality 70% and price 30%. A contract award recommendation to be submitted confirming the bidder who achieved the highest overall score.
38. The procurement comprised four lots, one lot for each of the homes. Bidders could bid and be awarded for any number of lots.
39. The council received one initial tender; the other bidder withdrew at the initial tender stage citing that they were 'Unable to be competitive'.

Tender evaluation

40. The evaluation panel comprised of the following, whom formed the council's negotiation panel as well as the procurement lead for the project:
 - Assistant Director - Children and Adults Joint Commissioning
 - Assistant Director– ASC Older Persons, Physical Disabilities and Provider Services
 - Service Manager - Hospital Discharge and Reablement Services
 - Programme Manager - Adults, Older People and Complex Needs.
41. A Senior Finance Manager and Lawyer were part of the extended panel and advised on their relevant areas of expertise.
42. The initial tender submission was evaluated on a 70% quality and 30% price ratio.
43. The quality evaluation comprised eight method statements for three general residential homes (lot 1 Greenhive, lot 3 Rose Court and lot 4 Bluegrove) and ten method statements for the home providing reablement and D2A provision (lot 2 Waterside).
44. The method statements covered the following areas and were weighted in relation to their relative importance:

Method Statements	Lots 1, 3 and 4 Sub Weighting	Lot 2 Sub Weighting
1. Service Delivery	40%	50%
2. Service Outcomes	15%	10%
3. Partnership Working	15%	10%
4. Workforce	10%	10%
5. Mobilisation	10%	10%
6. Social Value and Climate Change Commitments	10%	10%
Total Weighting:	100%	100%

45. The initial written response was first evaluated individually by the panel and then moderated to reach a consensus score.

46. The Senior Finance Manager undertook the price evaluation.
47. The evaluation for the initial tender resulted in an overall score of 59.85% (30.45% quality and 29.40% price).
48. It became evident that the proposed service delivery model presented by the bidder and discussed during the negotiation rounds was not sufficiently articulated in the initial written response and the final written response needed to capture the methodology and qualitative elements the bidder was proposing.
49. As part of the tender process, a group of families of service users across the homes were kept informed of the progress of the procurement and attended a virtual presentation by the bidder.
50. Following on from the presentation, the resident families attended a debrief facilitated by commissioning and procurement leads where they were then given an opportunity to raise any concerns they had and to draft specific questions they would like the bidder to address. The resident families' questions were sent to the bidder for a response. Some key areas resident families were keen to explore were:
 - Impact on staff
 - Dementia training for staff
 - Visiting policy
 - Cost implications for self-funders
 - Staff to service user ratios
 - Entertainment and activities
 - Communication - frequency of family meetings
51. The bidder addressed these key areas and responses were circulated amongst the group. The feedback from the group was mainly positive with families expressing that they particularly liked the bidders plans to entertain and engage residents and the concept of 'Nourish' their care assessment-based dependency tool which assesses an individual's needs indicating an expected amount of time within a 24-hour period to meet those assessed needs.
52. Upon completion of the negotiation rounds, care home visits and service user families' engagement, the bidder submitted their final tender submission on 16 November 2022.
53. The final tender evaluation and moderation followed the same process undertaken in the initial evaluation. Scores for their final submission increased to an overall score of 79.97% (50.57% quality and 29.40% price).

Plans for the transition from the old to the new contract

54. A dedicated project team will oversee the mobilisation process with the bidder holding weekly operational meetings, and monthly strategic meetings with stakeholders during the mobilisation period, and then quarterly, as a minimum, thereafter.
55. TUPE will most likely apply upon award of the contract.

56. An eight-week mobilisation period is within the procurement project plan, for the transition of the homes to the new provider and to support the TUPE transfers with a further period of up to eighteen months to transition the service to the new service delivery model.

Plans for monitoring and management of the contract

57. The contract will be managed by the contract management team who sit within the Quality, Performance and Transformation business unit within Children’s and Adults’ Services.
58. Quarterly strategic review meetings incorporating the quarterly contract monitoring meetings will be held to oversee the performance of the service and to review the progress and delivery of set objectives. An annual monitoring report will be presented to the Corporate Contract Review Board (CCRB), within six months of the contract anniversary.
59. The council’s contract register publishes the details of all contracts over £5,000 in value to meet the obligations of the Local Government Transparency Code. The Report Author must ensure that all appropriate details of this procurement are added to the contract register via the eProcurement System.

Identified risks for the new contract

60. The following risks and associated mitigations have been identified:

Risks	Mitigation or control	Likelihood
Provider failure and / or a drop in their CQC rating to ‘Inadequate’.	Monthly strategic and operational review meetings with senior personnel will be set up to initially oversee the mobilisation of the service to ensure a smooth transition and then on a quarterly basis to monitor the performance and progress of set objectives. The successful bidder has experience in mobilising these types of service and has submitted a robust mobilisation plan as part of their bid. As nursing care is introduced to the homes, the same multi-disciplinary approach as is being taken with other nursing homes in the borough will be adopted. Should the CQC rating drop or a provider failure occur, there is provision within the conditions of contract to terminate the contract and seek an alternative provider.	Low to Medium
Provider accepting referrals without the necessary infrastructure / workforce in place.	During contract mobilisation, officers will seek assurance from the provider that the necessary staffing levels remain the same through the TUPE transfer process and issues that arise are addressed promptly.	Low

Service is impacted from COVID-19.	Any potential issues such as resourcing or an outbreak in any of the homes will be managed and mitigated during the contract mobilisation period as part of business continuity plan.	Medium
Inflationary Pressures	There is a provision within the terms and conditions that supports inflationary uplifts on an annual basis, throughout the duration of the contract. The provider is required to submit an uplift proposal each year.	Low
Block contract for 182 beds which equates to 81% block arrangement.	As this is a block contract there is a risk of paying voids for the unutilised beds. The number of block beds has been informed by the work undertaken by the project team to determine the future demand needs of residential, nursing, D2A and reablement provision. The utilisation of the beds will be regularly reviewed at the strategic review meetings to mitigate paying for voids.	Low
Procurement Challenge	The procurement has been conducted in accordance with the Public Contracts Regulations 2015.	Low

Community, equalities (including socio-economic) and health impacts

Community impact statement

61. Southwark is a diverse borough, and this applies both to users of adult social care, the general population, and its care workforce. The residential care population is predominantly frail older adults or older people with dementia and mental health support needs. In line with the demographic of old frail population, this group of residents is more likely to be female and white than the general population.
62. The result of this procurement has not had a negative impact in relation to the groups identified as having a “protected characteristic” under the Equality Act 2010 and the councils’ equality agenda. It will however directly benefit the older population including those with mental health support needs by recommending the contract is awarded to an organisation who has demonstrated throughout the procurement process that their service delivery model, in accordance with the service requirements will adapt and flex in order to cater for people whose needs change over time allowing for people to remain in their residential homes and receive support that is tailored to them and their needs and wants.
63. An Initial Equalities Impact Assessment (EIA) has been conducted in line with the requirements of the Public Sector Equality Duty (PSED) and the following aspects have been considered as part of the tendering process:
 - Culturally sensitive personal care and activities.

- Monitoring of satisfaction levels across all residents on the quality of person centred care.
- Support and manage language barriers for those with dementia.
- Improve digital access for older people.

64. The bidders' written response describes how they cater for service users with specific cultural needs from providing a regular menu of meal options to cover various dietary requirements, including cultural needs, activities programme designed in collaboration with residents with different options throughout the week, flexible care timings (unless time sensitive).
65. The bidder will implement continuous feedback mechanisms and regular reviews to ensure that the support remains appropriate and tailored to individuals. They also support digital inclusion and will provide staff with opportunities to become a digital champion.
66. The bidder has fully endorsed and committed to sign up to the council's Residential Care Charter and already has in place the majority of the standards set out in the Charter.

Equalities (including socio-economic) impact statement

67. As set out in the Health Inequalities Framework (March 2020), 'stark inequalities within Southwark existed prior to COVID-19 with a life expectancy gap between the most and least deprived areas of the borough of over seven years for males and almost six years for females. The COVID-19 pandemic, and the measures put in place to limit its spread, have exacerbated existing health inequalities. In addition to the immediate health outcomes, the medium and longer-term social and economic impacts will have significant implications for the health and well-being of local residents'. The residential care contract is designed to ensure that people still enjoy an enhanced quality of life within the care home environment and have a positive experience of care.

Health impact statement

68. The COVID-19 pandemic impacted all groups but particularly people from Black, Asian and Minority Ethnic backgrounds, low-income households and those with disabilities.
69. The delivery of the residential care provision will help to improve the health of both staff and residents in Southwark. It will achieve this by raising the living standards of local residents' at risk of ill-health through the providers' commitment to implement the Residential Care Charter that aims to improve Safe, High Quality and Ethical Care and support the councils' aims under the Southwark Equality Framework, Fairer Future Commitments strategy and Southwark Plan 2022.

Climate change implications

70. Southwark Council's climate change strategy has set out an action plan with five priorities:
- Greener Buildings
 - Active and Sustainable Travel

- Thriving Natural Environment
- A Circular Economy with Green Jobs
- Renewable Energy

71. Some of the commitments set out in the bidders' own environmental policy are:

- Promoting 'active travel' schemes that involve walking or cycling instead of using a vehicle;
- Recycle, reuse and reduce wherever possible;
- Promote renewable energy usage wherever feasible, with sensors on lights and heaters, use of LED bulbs, switching appliances off at the plug as best practice to avoid wasteful 'standby' lights, and smart thermostats;
- Monitor energy usage via ESOS (Energy Saving Opportunity Scheme).

Social Value considerations

72. 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 social value considerations included in the tender (as outlined in the Gateway 1 report) are set out in the following paragraphs in relation to the tender responses, evaluation and commitments to be delivered under the proposed contract.

73. The council's Fairer Futures Procurement Framework requires payment of the London Living Wage (LLW), where appropriate. It is appropriate for all staff working on this contract to be paid LLW. It is expected that payment of the LLW by the successful bidder will result in quality improvements for the service users. These should include a higher calibre of multi-skilled operatives that will contribute to the delivery of the services and will provide best value for the council. It is therefore considered appropriate for the payment of LLW to be required. Following award, these quality improvements will be monitored as part of the contract review process.

74. The successful bidder is required to comply with the Fairer Futures Procurement Framework and reiterate their commitment to fully implement the Residential Care Charter, as well as their commitment to pursuing various other social value measures in a Social Value method statement.

75. The successful bidder has committed to the following initiatives within their written response demonstrating how they will contribute to social value throughout the contract term :

- Creation of employment/education opportunities:
 - Guarantee interviews for NEETS, long-term unemployment, care leavers.
 - Create/deliver c80 hours of work experience or volunteer positions per year.
 - Deliver at least 2 career talks per year in local schools/colleges.
 - Free training to all unpaid carers that want it, partnering with the Council and local groups such as Southwark Carers, to advertise/promote this.
- Their in-house training company has delivered over 300 apprenticeships in the past year alone and will continue to support people into work by offering apprenticeships within this contract.

- Partner with at least three health initiatives/causes to offer free advertisement/marketing via our social media/newsletters/in-home notice boards/etc.
- Hold two fundraising events per year for local charities/voluntary organisations.
- Donate disused devices to local causes/charities such as One Southwark, or local youth centres.

Economic considerations

76. The successful bidder has demonstrated social value in their bids and through their commitment to creating apprenticeships and the employment of local people under this contract.

Social considerations

77. This service supports the borough plan commitment and objectives to promote independence and well-being by funding activities and services to facilitate community representation and voice in the areas of health and social care. This will further the aim of promoting inclusive and representative community participation in the planning, commissioning, delivery and quality of these services in Southwark.

Environmental/Sustainability considerations

78. As per paragraph 71, the provider has considered environmental/ sustainability measures within their own environmental policy in support of delivering the council objectives including carbon reduction.

Market considerations

79. The engagement conducted prior to the release of the tender in November 2021 attracted a number of residential care providers who showed interest in the tender. However, once the tender had been published the interest in the tender diminished.
80. The reason for this is thought to be the common challenges in provision of residential care highlighted by providers through the soft market testing events. These include unprecedented funding pressures on local authorities affecting fee rates; staff recruitment and retention, variable skills and knowledge base of care staff, and need to provide a responsive service to a culturally diverse resident profile.
81. Current and future challenges have been discussed and mitigated throughout the negotiations resulting in agreed outcomes that are sustainable for both parties.

Staffing implications

82. Staffing and contract management resources will be met within Children's and Adults' Services.

Financial implications

83. There will be an annual contract review in the month of November. The annual price review will give due consideration to relevant cost pressures that the home will outline

in writing to the council for consideration. The contract includes a clause for a price review which is subject to negotiations (either up or down) as agreed between the council and the home, taking into account the prevailing cost pressures of that time.

84. This contract will be funded from core adult social care budget. This budget is part funded from the Better Care Fund (BCF) and Improved Better Care Fund. However the financial sustainability of this contract is subject to future funding trends with regards to BCF inflationary growth, budget challenge and the annual spending review.
85. The Adult Social Care core budget is forecasted to overspend in 2022/23, however the spending review announcements have allocated additional funding towards Adults Social Care. It is anticipated that some of this will be utilised towards this contract for the next financial year.
86. In addition, commissioners and the service will need to manage the contract carefully to ensure that the block arrangements are planned and triggered appropriately and that voids are minimised to ensure maximum value for money. As this is a block contract there is a risk of paying voids for the unutilised beds throughout the entirety of the contract. If the empty room is not available for occupation due to an act or omission from the home, the council will not be liable to pay for this room.

Investment implications

87. There are no investment implications.

Legal implications

88. Please see concurrent from the Director of Law and Governance.

Consultation

89. Residents and families as well as staff members were informed about the new procurement. Regular meetings were held with residents and their families to keep them informed about the progress of the procurement process and the bidder also met with representatives to present their proposal during the tender exercise.
90. Social workers informed the development of the service specification and provided pen portraits of residents that will likely be placed in the care homes. As part of the evaluation process, service users and residents from the reference group will be engaged with the provider to assess their expertise in supporting the needs detailed in the pen portraits.

Other implications or issues

91. None.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Finance and Governance REF: [AS572022-23]

92. The Strategic Director of Finance and Governance notes the contents of this report and in particular the issues addressed under the 'Financial Implications' section. Commissioners and the service will need to manage the contract carefully to ensure that the block arrangements are planned and managed appropriately and that voids are minimised to ensure maximum value for money.
93. The contribution made by the Better Care Fund (BCF) to this activity reflects the shared benefits accruing to the council, CCG and health partners in their endeavours to improve outcomes for the residents of Southwark. Whilst funding is secure for 2022-23, the service and other partners will need to work closely to mitigate any risks arising from future spending reviews and subsequent changes to the BCF and core budgets.

Head of Procurement

94. This report seeks approval for award of contract to Agincare Homes Holdings Ltd for Older People's Residential Care for an initial period of ten years, with option to extend for an additional period of five years with a potential lifetime cost (including extension period) of £139.6M.
95. Headline risks associated with progression are contained at the end of paragraph 60, and note management of capacity and performance issues, together with ability to mitigate inflationary pressures via recourse to a contractual mechanism agreed during negotiations.
96. Alignment with the Fairer Future Procurement Framework (FFPF) is evidenced, and references aspirations re: creation of employment and education opportunities (paragraph 75). The report also confirms that Agincare Homes Holdings Ltd will be required to pay the London Living Wage (LLW) at paragraph 73.
97. Proposed methodology for performance/contract monitoring is detailed within paragraphs 57 – 59.
98. The Community, Equalities and Health Impact Statements are set out in paragraphs 61 – 69.
99. The Climate change, Social Value, Economic and Environmental / Sustainability statements are set out in paragraphs 70 – 78.

Director of Law and Governance


100. This report seeks approval of the award of a contract for Older People's Residential Care provision to Agincare Homes Holdings Ltd (Agincare), as detailed within the Recommendation.
101. Due to the nature and estimated value of the contract its procurement is subject to the requirements of the Public Contracts Regulations (PCR) 2015. As noted within paragraphs 7 to 12 a publicly advertised competitive tendering exercise had been

conducted; however, as no suitable tenders had been submitted in response to that exercise officers commenced and have since concluded a negotiated procedure, in accordance with PCR 32(2)(a), as more particularly described from paragraph 29.

102. The proposed contract award is consistent with the council's Contract Standing Orders and will assist the council to fulfil its duties under the Care Act 2014.
103. The decision to approve the recommendation in this report is one which has been expressly delegated by the Cabinet to the Strategic Director for Children's and Adults' Services in consultation with the Cabinet Member for Health and Wellbeing.
104. When making procurement decisions the council must consider and have due regard to any effects of the decision on the community at large and, in particular on people identified as possessing "protected characteristics", as defined in the Equality Act 2010. The report notes and details the equality impact assessment which has been undertaken to assess the needs of local service users, all of whom are considered to possess a protected characteristic. In conducting such an exercise, the council is able to demonstrate compliance with the Public Sector Equality Duty (PSED) contained in section 149 of the Act. The equality analysis should be refreshed at intervals in order to check and ensure continued PSED compliance.

PART A – TO BE COMPLETED FOR ALL DELEGATED DECISIONS

Under the powers delegated to me in accordance with the council's Contract Standing Orders, I authorise action in accordance with the recommendation(s) contained in the above report (and as otherwise recorded in Part B below).

Signature 
David Quirke-Thornton

Date: 9 February 2023

Designation **Strategic Director of Children's and Adults' Services**

PART B – TO BE COMPLETED BY THE DECISION TAKER FOR:

- 1) All key decisions taken by officers
- 2) Any non-key decisions that are sufficiently important and/or sensitive that a reasonable member of the public would reasonably expect it to be publicly available (see 'FOR DELEGATED DECISIONS' section of the guidance).

1. DECISION(S)
As set out in the recommendations of the report.

2. REASONS FOR DECISION
As set out in the report.

3. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED BY THE OFFICER WHEN MAKING THE DECISION

Not applicable.

4. ANY CONFLICT OF INTEREST DECLARED BY ANY CABINET MEMBER WHO IS CONSULTED BY THE OFFICER WHICH RELATES TO THIS DECISION

None.

5. NOTE OF ANY DISPENSATION GRANTED BY THE MONITORING OFFICER, IN RESPECT OF ANY DECLARED CONFLICT OF INTEREST

If a decision taker or cabinet member is unsure as to whether there is a conflict of interest they should contact the legal governance team for advice.

None.

6. DECLARATION ON CONFLICTS OF INTERESTS

I declare that I was informed of no conflicts of interests.*

Signature



Date: 9 February 2023

David Quirke-Thornton

Designation **Strategic Director of Children's and Adults' Services**

7. CONSIDERATION GIVEN TO WHETHER, AS A NON-KEY DECISION, THIS SHOULD BE FORWARDED TO THE CONSTITUTIONAL TEAM FOR PUBLICATION IN ACCORDANCE WITH REGULATION 13(4)*

The decision taker should consider whether although a non-key decision, the decision is sufficiently important and/or sensitive that a reasonable member of the public would reasonably expect it to be publicly available. Where there is any doubt, having considered the importance and/or sensitivity of a decision, it should be deemed that Regulation 13(4) would apply.

I consider that the decision be made available for publication under Regulation 13(4).*

Signature



Date: 9 February 2023

David Quirke-Thornton

Designation **Strategic Director of Children's and Adults' Services**

* Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the council is required to put in place a scheme for recording and publishing some officer executive decisions. This process is sometimes referred to as “Regulation 13(4)”.

BACKGROUND DOCUMENTS

Background documents	Held At	Contact
Gateway 1 – Procurement Strategy Approval Older People’s Residential Care Provision	Commissioning Directorate, Children’s and Adults’ Services, 4 th floor, 160 Tooley Street, SE1 2QH	Samantha Edwards 020 7525 4703
Link : https://moderngov.southwark.gov.uk/documents/s99909/Report.pdf		
Care Act 2014	Commissioning Directorate, Children’s and Adults’ Services, 4 th floor, 160 Tooley Street, SE1 2QH	Samantha Edwards 020 7525 4703
Link: https://www.legislation.gov.uk/ukpga/2014/23/contents/enacted		
Residential Care Charter	Commissioning Directorate, Children’s and Adults’ Services, 4 th floor, 160 Tooley Street, SE1 2QH	Samantha Edwards 020 7525 4703
Link: https://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?Id=7555		
The Health Inequalities Framework 2020	Commissioning Directorate, Children’s and Adults’ Services, 4 th floor, 160 Tooley Street, SE1 2QH	Samantha Edwards 020 7525 4703
Link: https://moderngov.southwark.gov.uk/documents/s90726/Appendix%201.pdf		
Climate Change Strategy	Commissioning Directorate, Children’s and Adults’ Services, 4 th floor, 160 Tooley Street, SE1 2QH	Samantha Edwards 020 7525 4703
Link:		

https://www.southwark.gov.uk/environment/climate-emergency/reaching-net-zero/our-plan-for-net-zero		
Fairer Future Procurement Framework and End Violence at Work Charter	Commissioning Directorate, Children's and Adults' Services, 4 th floor, 160 Tooley Street, SE1 2QH	Samantha Edwards 020 7525 4703
Link: https://www.southwark.gov.uk/business/procurement/policy-and-guidance-for-procurement		
Southwark Stands Together	Commissioning Directorate, Children's and Adults' Services, 4 th floor, 160 Tooley Street, SE1 2QH	Samantha Edwards 020 7525 4703
Link: https://www.southwark.gov.uk/engagement-and-consultations/southwark-stands-together		

APPENDICES

No	Title
None	

AUDIT TRAIL

Lead Officer	David Quirke-Thornton, Strategic Director for Children's and Adults' Services	
Report Author	Sam Edwards, Procurement Manager	
Version	Final	
Dated	4 January 2023	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	Yes	No
Head of Procurement	Yes	Yes

Director of Law and Governance	Yes	Yes
Director of Exchequer (for housing contracts only)	N/a	N/a
Cabinet Member	Yes/No	Yes/No
Contract Review Boards		
Departmental Contract Review Board	Yes	Yes
Corporate Contract Review Board	Yes	Yes
Cabinet	No	No
Date final report sent to Constitutional Team		9 February 2023