



## Policy and Resources Committee 16 February 2016

<b>Title</b>	<b>Extension of Mental Health Prevention and Supported Living Services</b>
<b>Report of</b>	Adults and Health Commissioning Director
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	Yes
<b>Enclosures</b>	Annex A – Delegated Powers Report dated 12 <sup>th</sup> January 2016
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### Summary

This report requests that committee approves waivers of the Contract Procedure Rules (CPRs) to ensure that seven mental health and wellbeing prevention services provided by the voluntary sector and two contracts for supported living services meet required standing orders to continue provision of services until 31.03.2017.

Continuing the voluntary sector services until 31.03.2017 will ensure continuity of their provision, whilst the Council and NHS Barnet Clinical Commissioning Group (CCG) undertake projects to remodel mental health social care and NHS mental health services.

The extension of the supported living services will enable the Bevatone House and Sarnes Court services to be re-procured within the Council's main Supported Living Framework (which provides accommodation and support for people with disabilities), for which a new framework contract is due to commence on 01.04.2017. The extension will ensure continuity of service for these client groups and mitigate against avoidable increases in support package costs for the residents.

The report also sets out the reasons for an emergency waiver approved by the Adults and Health Commissioning Director on 12<sup>th</sup> January 2016 to continue a Mental Health Day Opportunities Service between the end of the contract on 13<sup>th</sup> January 2016 and the Adults

and Safeguarding Committee on 7<sup>th</sup> March 2016. A report will go to Adult and Safeguarding Committee on 7<sup>th</sup> March 2016 to request acceptance to extend the contract with the provider for a further two years until 13<sup>th</sup> January 2018 as provided for in the contract.

## **Recommendations**

**That the Policy and Resources Committee:**

- 1. Approves the following waivers of the Council's Contract Procedure Rules:**
  - a) A waiver to bring the prevention services listed in the table at paragraph 5.2.3 into contract, to last until 31.03.2017.**
  - b) A waiver to extend the contract with One Support for Bevatone House and Barnet Complex Needs service retrospectively for the period from 01.04.2015 to 31.03.2016 and to extend the contract until 31.03.2017.**
  - c) A waiver to extend the contract with Sanctuary Housing for Sarnes Court core housing support service retrospectively for the period from 01.02.2014 to 31.03.2016 and to extend the contract to 31.03.2017.**
- 2. Notes the decision of the Adults and Health Commissioning Director as detailed below:**
  - a) That the Officer in consultation with the Chairman of the Policy agree a waiver of the Contract Procedure Rules to extend the contract with Richmond Fellowship until 07.03.2015.**

### **1. WHY THIS REPORT IS NEEDED**

- 1.1** The Council's Contract Procedure Rules set out that waivers are required to meet standing orders and ensure that contracts can be put in place and continue the services set out in this report.
- 1.2** To notify the Committee of the decision taken by the Adults and Health Commissioning Director with regard to the waiver for the Mental Health Day Opportunities service. The Adults and Health Commissioning Director was required to make a decision on this item as it required a decision within a set timeframe and Policy and Resources Committee were not due to meet within the timescale.
- 1.3** The Council's Constitution (Contract Procedure Rules, Section 15, states that Directors, Assistant Directors, Commissioning Directors and Heads of Service may take decisions on emergency matters in consultation with the Chairman of Policy and Resources Committee, providing they report to the next available Policy and Resources Committee, setting out the reasons for the emergency waiver.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1** The mental health prevention services listed in the table at paragraph 5.2.3 are small services jointly commissioned by the Council and NHS Barnet CCG to provide community support for people with mental health problems; with an emphasis on meeting the needs of BME groups, providing peer support and counselling. Details of each service are provided in the table at paragraph 5.2.3.
- 2.2** Bevatone House is a supported living scheme for 15 adults with complex mental health needs. The scheme was the result of a £4.2 m investment by One Housing Group to develop a Move On scheme for One Support and Barnet Council when first commissioned five years ago. The service provides 24 hour support. The Complex Needs Service supports 16 adults with complex needs. The services are funded through a block contract of £492,072 per annum.
- 2.3** Sarnes Court is a supported living scheme for people with learning and other disabilities. It is a block of 18 self-contained flats. The accommodation was purpose-built by Sanctuary Housing in 2012 on a Council-owned site. It was developed as a new model of support, with the aim of improving opportunities for self-direction in supported living. The cost of the core support service is £38,000 per annum.
- 2.4** The waivers will enable continuity of service provision for vulnerable adults and ensure the services are managed within the Council's CPRs. Continuing these services until 31.03.2017 will ensure that the two supported living schemes can be procured within the new Supported Living Framework and that the mental health prevention services can be developed to fit within the council's new social care model for mental health and the CCG's commissioning intentions for mental health.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1** The alternative is stopping the provision, which is not recommended, in order to ensure continuity of service to people with health and care needs.
- 3.2** For extension of the Mental Health Day Opportunities Service see Annex A – Delegated Powers Report dated 12<sup>th</sup> January 2016.

## **4. POST DECISION IMPLEMENTATION**

- 4.1** Following the decision, contracts will be issued following advice from HB Public Law. The specifications contained within the contracts will be reviewed and will be amended if required.
- 4.2** The timescales have been set for a review cycle from 01.04.2016 followed by a needs modelling approach. The services are on the procurement forward plan for 2016/17.

- 4.3** The housing providers will be required to work with the Council to bring the services into scope for procurement of the new Supported Living Framework (SLF) for 2017.
- 4.4** With regards to the extension of the Mental Health Day Opportunities Service, a copy of this report will be provided to CSG Procurement and stored in the Council's Contract Repository.
- 4.5** A report will go to Adults and Safeguarding Committee on 7<sup>th</sup> March 2016 to request acceptance to extend the Mental Health Day Opportunities Service contract for a further two years until 13<sup>th</sup> January 2018 as provided for in the contract.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1** The Council's Corporate Plan 2015-20 states that the Council, working with local, regional and national partners, will strive to ensure that Barnet is a place:
- of opportunity, where people can further their quality of life
  - where people are helped to help themselves, recognising that prevention is better than cure
  - where responsibility is shared, fairly
  - where services are delivered efficiently to get value for money for the taxpayer
- 5.1.2** The continuation of these services provided by the voluntary sector through ensuring contracts meet standing orders will contribute to the Corporate Plan priority 'More people supported to live longer in their own homes'.
- 5.1.3** The Joint Health and Wellbeing Strategy 2015 – 2020 includes the objective of creating circumstances that enable people to have greater life opportunities through a focus on improving mental health and wellbeing for all.
- 5.1.4** The Barnet Joint Strategic Needs Assessment states that 56,333 people aged 18 – 64 have a mental health problem. The number of people with mental health conditions is predicted to increase as the population grows. In November 2014, the Health and Wellbeing Board identified prevention of and early intervention in mental health problems as a priority. Mental health is the key priority in year one of the Joint Health and Wellbeing Strategy
- 5.1.5** Barnet has the highest proportion of people with moderate or severe learning disabilities (0.68%) aged 15-19. The number of people aged over 65 with moderate or severe learning difficulties is estimated to rise from 143 in 2015 to 187 in 2030; a rise of over 30%. Provision of high quality supported living

remains a priority to meet the needs of people with learning disabilities. A priority within the Adults and Safeguarding Committee Commissioning Plan 2015-20 is that every young person with a disability will have the opportunity to live in their own home as a part of their family and local community.

5.1.6 The Government's mandate to NHS England for 2016-17 was announced in December 2015. It is important that future recommissioning addresses the following aims:

- greater integration between health and social care, so that care is more joined up to meet people's physical health, mental health and social care needs
- reduce the health gap between people with mental health problems and the population as a whole, with support to live full, healthy and independent lives
- ensure there is measurable progress towards the parity of esteem for mental health enshrined in the NHS Constitution
- improve care and outcomes through prevention, early intervention and improved access to integrated services

## **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 As set out in paragraphs 5.4.1 and 5.4.2 of this report, the Council's Contract Procedure Rules stipulates that waivers are required to bring the seven uncontracted services within standing orders for the services set out in this report. There are no staffing or property implications for the Council relating to this decision. The contracts will all be recommissioned within relevant timescales to ensure that value for money is obtained.

5.2.2 LBB contributions for the Mental Health and Wellbeing Prevention services exist within the current Adults and Communities Delivery Unit budget. Barnet CCG contributions exist within the Section 75 baseline budget.

5.2.3 The following table sets out the annual value of each service, the contributions from the Council and Barnet CCG and the value of continuing the provision of services until 31.03.2017

<b>Service</b>	<b>Provider</b>	<b>Rationale</b>	<b>Annual LBB Contribution</b>	<b>Annual BCCG Contribution</b>	<b>Total Annual Value</b>	<b>Total Value</b> (covering the period 01.04.2015 to 31.03.2017)
Peer Support	Barnet Asian Women's Association	Provides information, advice and support to Asian Women who may not access other MH	£29,656	£0	£29,656	£59,312

		prevention services. Valued service is being delivered. Authorisation was agreed to award a single source contract and a DPR was put in place to cover the period from 1 <sup>st</sup> April 2014 for 1 + 1 yr (+1yr option was not enacted). No signed contract is in place.				
Bereavement Counselling	Barnet Bereavement Service	Provides counselling to people following a bereavement. Valued service is being delivered. Former contract with the Primary Care Trust. Authorisation was agreed to award a single source contract and a DPR was put in place to cover the period from 1 <sup>st</sup> April 2014 for 1 + 1 yr (+1yr option was not enacted). No signed contract is in place.	£3,001	£12,478	£15,479	£30,958
Support Group	Barnet Depression Alliance	Peer group meeting for Adults with the onset of depression or living with depression. Valued service is being delivered. Authorisation was agreed to award a single source contract and a DPR was put in place to cover the period from 1 <sup>st</sup> April 2014 for 1 + 1 yr (+1yr option was not enacted). No signed contract is in place.	£ 454	£454	£908	£1,816
Health and	Barnet	Provides support to	£0	£66,946	£66,946	£133,892

Wellbeing Promotion for Refugees	Refugee Service	Refugees/ asylum seekers around information, advice and signposting to sources of support. Valued service is being delivered. Former contract with the Primary Care Trust. Authorisation was agreed to award a single source contract and a DPR was put in place to cover the period from 1st April 2014 for 1 + 1 yr (+1yr option was not enacted). No signed contract is in place.				
Floating Support	Chinese Mental Health Association	Chinese community health and wellbeing promotion and support (Barnet has the largest Chinese population in London). Valued service is being delivered. Historic Supporting People service. Authorisation was agreed to award a single source contract and a DPR was put in place to cover the period from 1st April 2014 for 1 + 1 yr (+1yr option was not enacted). No signed contract is in place.	£46,894	£0	£46,894	£93,788
Cancer Care	Cherry Lodge	Support and counselling to Adults recently diagnosed and those following treatment plan and post-operation. Valued service is being delivered. Authorisation was agreed to award a single source	£0	£14,086	£14,086	£28,172

		contract and a DPR was put in place to cover the period from 1st April 2014 for 1 + 1 yr (+1yr option was not enacted). No signed contract is in place.				
Community Counselling	Mind in Barnet	Adults requiring short and long-term counselling to prevent escalation of MH conditions. Valued service is being delivered. Former contract with the Primary Care Trust. Authorisation was agreed to award a single source contract and a DPR was put in place to cover the period from 1st April 2014 for 1 + 1 yr (+1yr option was not enacted). No signed contract is in place.	£0	£76,961	£76,961	£153,922

5.2.4 The contract with One Support for Bevatone House and Complex Needs Service started on 01.4.2010 for a period of three years. The contract was then extended for a further two years until 31.03.2015. The annual contract value is £492,072. This waiver is requested to put in place a contract for the period 01.04.2015 to 31.03.2017. This is equivalent to a lifetime (7 years) contract value of £3,444,504.

5.2.5 The contract with Sanctuary Housing for Sarnes Court started on 01.07.2012 for a period of one year. The contract was then extended until 31.01.2014. This waiver is requested to put in place a contract for the period 1st February 2014 to 31.03.2017. The value of the contract extension since Public Contracts Regulations came into effect on 26<sup>th</sup> February 2015 is £82,333.

5.2.6 The contract with Sanctuary for 'core support' provides value for money as the cost of this service is offset through the housing funding that is available separately to them as a landlord. Funding for the contract extension exists within the current Delivery Unit budget.

5.2.7 Payments have continued to the providers and funding for the extensions exists within the current Adults and Communities' budget.

5.2.8 For the extension of the Mental Health Day Opportunities Service see Annex



### **5.3 Social Value**

- 5.3.1 The Public Services (Social Value) Act 2013 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. When these services are recommissioned, commissioners will consider how additional social value can be secured for Barnet.

### **5.4 Legal and Constitutional References**

- 5.4.1 Constitution Responsibilities for Functions Annex A sets out the terms of the Policy and Resources Committee, which include:
- To be responsible for the overall strategic direction of the Council including Corporate Procurement (including agreement of the Procurement Forward Plan and agreeing exceptions to CPRs)
  - Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities and thresholds set out in Contract Procedure Rules.
- 5.4.2 Section 15.1 of the Council's Contract Procedure Rules sets out that if the application of these Contract Procedure Rules prevents or inhibits the delivery or continuity of service, Directors or Assistant Directors, Commissioning Directors and Heads of Service may apply for a waiver. All applications for a waiver of these Contract Procedure Rules must be submitted to Policy and Resources Committee specifically identifying the reason for which a waiver is sought, including justification and risk. This report recommends the adoption of a waiver of rule 14 of CPR which requires the authorisation of the Policy and Resources Committee.
- 5.4.3 Section 15.2 of the Council's Contract Procedure Rules that Directors, Assistant Directors, Commissioning Directors and Heads of Service may take decisions on emergency matters (i.e. an unexpected occurrence requiring immediate action) in consultation with the Chairman of Policy and Resources Committee providing they report to the next available Policy and Resources Committee, setting out the reasons for the emergency waiver. A copy of the relevant Policy and Resources Committee report must be provided to CSG Procurement and stored on the Council's contract repository.

### **5.5 Risk Management**

- 5.5.1 The waivers and extensions enable the services to be brought back into a formal contractual position and maintain quality and performance monitoring. The recommendation to approve contract extensions and the associated waivers is considered relatively low overall due to the nature of the service and the providers concerned.

- 5.5.2 It must be noted that the contract with One Support falls within the remit of the Public Contracts Regulations 2015 (PCR) due to the value of the Contract being over current threshold. However, the Council can rely on Regulation 72(1)(B)(ii) PCR to extend the provision of the services until 31<sup>st</sup> March 2017. This states that; *“72.—(1) Contracts and framework agreements may be modified without a new procurement procedure in accordance with this Part ... for additional works, services or supplies by the original contractor that have become necessary and were not included in the initial procurement, where a change of contractor...would cause significant inconvenience or substantial duplication of costs for the contracting authority, provided that any increase in price does not exceed 50% of the value of the original contract.”* In order to rely on this exemption the Council shall send a Modification Notice to OJEU.
- 5.5.3 In the absence of a waiver / extension, the services will effectively end. This would result in greater numbers of people requiring assessment and care management service, residential care and acute mental health care.
- 5.5.4 There are service risks that would present if the recommendations of this report were not approved. There would be discontinuity in service provision if the contract was not extended, which would have a negative impact on Barnet residents through disruption to service delivery.
- 5.5.5 The providers of the Mental Health (Wellbeing) Prevention Contracts are all local voluntary sector providers. Some providers will inevitably have to discontinue provision and, as small providers, might be at risk of their service closing. This would serve to destabilise the local voluntary sector, which would result in risk to the Council for future procurement.

## **5.6 Equalities and Diversity**

- 5.6.1 The 2010 Equality Act outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
  - advance equality of opportunity between people from different groups
  - foster good relations between people from different groups
- 5.6.2 The broad purpose of this duty is to integrate considerations of equality into day business and keep them under review in decision making, the design of policies and the delivery of services.
- 5.6.3 Equalities impact assessments are undertaken as part of each recommissioning cycle and will be undertaken when the services outlined in this report are recommissioned.

## **5.7 Consultation and Engagement**

- 5.7.1 Consultation and service user feedback is undertaken as part of contract monitoring. Further engagement will be required when recommissioning the services with a range of stakeholders including service users and provider organisations.

## **5.8 Insight**

- 5.8.1 Insight, including from the Joint Strategic Needs Assessment 2015, is used to inform the development of needs analysis and the on-going review of service delivery. The demand for the services delivered through the contracts set out in this report will inform the future design and recommissioning of services to most effectively meet needs.

## **6. BACKGROUND PAPERS**

### **6.1 Prevention Services**

<http://committeepapers.barnet.gov.uk/documents/s14430/Prevention%20Services%20-%20Award%20of%20single%20source%20contracts.pdf>

### **6.2 One Housing**

<http://committeepapers.barnet.gov.uk/documents/s11395/Contract%20Extension%20%20Regularisation.pdf>

### **6.3 Sanctuary Housing**

<https://barnet.moderngov.co.uk/documents/s8364/1860%20-%20Interim%20Support%20at%20New%20Supported%20Housing%20Setting%20Sarnes%20Court.pdf>

### **6.4 Delegated Powers Report, 19<sup>th</sup> December 2012 - Contract Award – Mental Health Day Opportunities Service**

<http://barnet.moderngov.co.uk/documents/s6537/1856%20-%20Contract%20Award%20Mental%20Health%20Day%20Opportunities%20Service%20Public.pdf>

### **6.5 Delegated Powers Report, 12<sup>th</sup> January 2016 - Emergency Waiver to continue Mental Health Day Opportunities Service**

<http://barnet.moderngov.co.uk/ieDecisionDetails.aspx?ID=6071>