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|  | <p style="text-align: center;"><b>CHIEF OFFICER IN CONSULTATION<br/>WITH COMMITTEE CHAIRMAN<br/>DELEGATED POWERS REPORT</b></p>  |
| <p style="text-align: center;"><b>Title</b></p>                                   | <p><b>Contract Award for Deprivation of Liberties Safeguarding (DoLS) Services:</b></p> <ul style="list-style-type: none"> <li>- <b>Lot 1:</b> Best Interest Assessors (BIA)</li> <li>- <b>Lot 2:</b> Mental Health Assessors (MHA)</li> </ul>   |
| <p style="text-align: center;"><b>Report of</b></p>                               | <p>Executive Director, Adults and Health</p>   |
| <p style="text-align: center;"><b>Wards</b></p>                                   | <p>All</p>   |
| <p style="text-align: center;"><b>Status</b></p>                                  | <p>Public</p>  |
| <p style="text-align: center;"><b>Enclosures</b></p>                              | <p>None</p>  |
| <p style="text-align: center;"><b>Officer Contact Details</b></p>                 | <p>Ellie Chesterman, Head of Commissioning for Mental Health &amp; Dementia, <a href="mailto:ellie.chesterman@Barnet.gov.uk">ellie.chesterman@Barnet.gov.uk</a></p> <p>Ven Chennubotla, Health and Social Care Commissioner<br/><a href="mailto:ven.chennubotla@Barnet.gov.uk">ven.chennubotla@Barnet.gov.uk</a></p> <p>Sabrina Naqvi, Procurement Business Partner<br/><a href="mailto:Sabrina.naqvi@barnet.gov.uk">Sabrina.naqvi@barnet.gov.uk</a></p> |

| <b>Summary</b>  |
|---|
| <p>The Policy and Resources Committee agreed the procurement of the Deprivation of Liberties Safeguarding (DoLS) Services described in this report within the Council's Annual Procurement Forward Plan on 8<sup>th</sup> December 2020.</p> <p>The Council has statutory duties as the Supervisory Body for the Deprivation of Liberty Safeguards. Following each application for authorisation the Council must commission a series of six assessments, five of which are carried out by a Best Interest Assessor (BIA) and one by a Section 12 Mental Health Act 1983 approved mental health doctor known as a Mental Health Assessor (MHA).</p> <p>This report seeks authorisation to establish two new approved lists of providers to provide these assessments from 1<sup>st</sup> April 2022, for both BIAs and MHAs.</p> <p>The services were put out to tender on 3<sup>rd</sup> August 2021 and following the procurement process, it is recommended that the contracts are awarded to the Approved Providers listed below.</p> |

The contract term is for three years (3) with break clauses at the end of years one (1) and two (2). The total global contract value for the service will be a maximum of £1,112,398.65.

### Decisions

**Approval to award Deprivation of Liberties Safeguarding (DoLS) Services contracts to the Approved Providers (listed below) for a period of 3 years from 1<sup>st</sup> April 2022 with break clauses available within the contract at the end of years one (1) and year two (2).**

#### Lot 1: BIA Approved Provider List (ranked)

| Organisations:                        | Rankings |
|---------------------------------------|----------|
| KMCA Consultancy Services Ltd         | 1        |
| Liquid Personnel                      | 2        |
| Steve Chamberlain Social Care Limited | 3        |
| Kevin Scheuring Limited               | 4        |
| Recruitment Team Nine Limited         | 5        |
| Peaceable Habitation Ltd              | 6        |
| ID Medical                            | 7        |
| Eduhez Ltd                            | 8        |
| Favore Didio Ltd                      | 9        |
| Action First Assessments LTD          | 10       |
| CMG Consultants Ltd                   | 11       |
| MidCo Care Limited                    | 12       |
| Empowering Social Work Ltd            | 13       |
| Ambrosial Services Limited            | 14       |

#### Lot 2: MHA Approved Provider List (ranked)

| Organisations:                | Rankings |
|-------------------------------|----------|
| Aisa Medical Ltd              | 1        |
| ID Medical Group Ltd          | 2        |
| Best Hands Healthcare Limited | 3        |
| AKRAS Solutions Limited       | 4        |
| Kabe ltd                      | 5        |
| Ashpri Limited                | 6        |

## 1. WHY THIS REPORT IS NEEDED

- 1.1 The Policy and Resources Committee agreed the procurement of the Deprivation of Liberties Safeguarding (DoLS) Services described in this report within the Council's Annual Procurement Forward Plan on 8th December 2020.
- 1.2 Barnet Council has legal duties under the Mental Capacity Act Deprivation of Liberty Safeguards (DoLS). These safeguards exist to protect people in care homes, hospitals and in the community. Where a deprivation is identified the provider must

apply to the Local Authority for authorisation. Adults and Communities administers these duties which include tasks undertaken by professionally qualified staff as well as administrative tasks.

- 1.3 The London Borough of Barnet developed an approved list for The Provision of Mental Capacity Act (2005) Deprivation of Liberty Safeguards (DOLS) Assessments in April 2016, in compliance with The Public Contracts Regulations 2015. The contracts with the approved list providers, following an extension, ended on 31<sup>st</sup> March 2021.
- 1.4 To ensure continuity of service provision beyond March 2021, a decision was made to award contracts directly to the approved lists of providers for Lots 1 and 2, via a single tender action for a period of 12 months effective from 1st April 2021 to 31st March 2022.
- 1.5 Following consideration of the commissioning options available, Barnet conducted a procurement exercise, and the service was put out to tender on 3rd August 2021. Following the procurement process, it is recommended that the contracts are awarded to the lists of approved providers for Lot 1: Best Interest Assessors (BIA) and Lot 2: Mental Health Assessors (MHA). The call-off procedure will be in line with that set out in the call-off protocol published with the Council's Invitation to Tender.
- 1.6 This report is required under the Council's Contract Procedure Rules (CPRs). The total global value of the approved list contracts for Deprivation of Liberties Safeguarding services will be £1,112,398.65 over the life term of the contracts.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 The Council is required to commission Deprivation of Liberties Safeguarding (DoLS) Services to ensure compliance with the Council's statutory duties as set out within the Care Act 2014 and the Mental Capacity Act 2005.
- 2.2 The priority focus of this procurement was to build on the success of the current services in place for Barnet residents and focus on further enhancing Best Interest Assessments and Mental Health Assessments to maximise intended outcomes.
- 2.3 A compliant procurement process was followed, and the services were put out to tender on 3rd August 2021. They were advertised on the Council's E-Sourcing Portal, on Contracts Finder and in the 'Find a Tender' (FTS) Service.
- 2.4 Organisations were invited to submit a tender outlining their organisational experience and how they would meet the requirements of the specifications. The closing date for tender submissions was 9<sup>th</sup> September 2021.
- 2.5 The procurement covered:
  - Best Interest Assessments (BIAs) – Lot 1
  - Mental Health Assessors (MHAs) – Lot 2Bidders were invited to apply for one or both lots.

- 2.6 There were 33 expressions of interest and a number of compliant bids were received as set out in the table below:

| <b>Lots</b> | <b>No. of bids received</b> |
|-------------|-----------------------------|
| Lot 1: BIAs | 16                          |
| Lot 2: MHAs | 6                           |

- 2.7 The panel evaluating the tender was comprised of representatives across Adults and Health including Joint Commissioning, Contract Manager and DoLS Team Manager.
- 2.8 The procurement approach used for this tender was based on the Open Tender Process and a compliant procurement process was followed.
- 2.9 The tender evaluation was based on 60% quality and 40% price. The quality award criteria for the tender is set out below. The following stages were followed to inform the final scoring applied: -

Stage 1 – Submission on time & acceptance of Terms and Conditions: -

Bids needed to be submitted through the online E-Sourcing Portal (Curtis Fitch) by no later than 1pm on 9<sup>th</sup> September 2021. Bidders needed to confirm acceptance of the terms and conditions of the contract (subject to acceptance by the Council of any amendments proposed during clarifications).

Stage 2- Compliance Evaluation: -

Organisations needed to submit a selection questionnaire, which is based on the Crown Commercial Services standard selection questionnaire. The selection questionnaire is a declaration by the bidder of their eligibility to deliver the service that they have tendered for. Any questionnaire responses that failed Stage 2 would not be considered further.

Stage 3- Method Statement Questions:

Tender evaluation is based on 60% quality. For this tender, bidder submissions were assessed for quality through the method statement questions. Within each Lot, Bidders would fail this stage if they scored 1 or less out of the available 5 points for any of the scored Method Statement Questions; and/or achieved less than 30% of the available 60% for Quality.

Stage 4- Price Evaluation:

Tender evaluation is based on 40% price. During the tender stage bidders were required to provide their fixed unit rates for the contract period within the identified ranges of:

Lot 1 BIA: £200 - £350 per assessment unit cost; and

Lot 2 MHA: £125 - £175 per assessment unit cost

- 2.10 Procurement guided and supervised the evaluation stage but did not score the bids, they also managed the moderation stage. Tender submissions from bidders who passed the selection questionnaire stage then had their responses to the technical questions evaluated individually by officer panel members. The panel members then took part in a moderation meeting to agree consensus scores.

2.11 The quality award criteria accounted for 60% of the total score as set out in the table at 2.11.1 and 2.11.2 below.

**2.11.1 Lot 1: BIA**

| Section       | Criteria   | Weighting   |
|---------------|--|-------------|
| Quality (60%) | MSQ 1: Experience of delivery                    | 9%          |
|               | MSQ 2: Professional qualifications / development | 9%          |
|               | MSQ 3: Assessment quality                        | 9%          |
|               | MSQ 4: Mental Capacity Act                       | 9%          |
|               | MSQ 5: Working with families and carers          | 9%          |
|               | MSQ 6: Suitability of representative             | 9%          |
|               | MSQ 7: Legislative and policy changes            | 6%          |
| Price (40%)   | Price  | 40%         |
| <b>Total:</b> |  | <b>100%</b> |

**2.11.2 Lot 2: MHA**

| Section       | Criteria   | Weighting   |
|---------------|--|-------------|
| Quality (60%) | MSQ 1: Experience of delivery                    | 9%          |
|               | MSQ 2: Professional qualifications / development | 9%          |
|               | MSQ 3: Assessment quality                        | 9%          |
|               | MSQ 4: Mental Capacity Act                       | 9%          |
|               | MSQ 5: Working with families and carers          | 9%          |
|               | MSQ 6: Taking action on quality issues           | 9%          |
|               | MSQ 7: Legislative and policy changes            | 6%          |
| Price (40%)   | Price  | 40%         |
| <b>Total:</b> |  | <b>100%</b> |

**2.12 Scoring**

The following scoring scale was applied to method statement responses:

| Score | Definition             |
|-------|------------------------|
| 0     | Very poor, No response |
| 1     | Poor response          |
| 2     | Limited response       |
| 3     | Satisfactory response  |
| 4     | Good response          |
| 5     | Outstanding response   |

2.13 The quality and price percentage splits for the tender award was 60/40. 40% of the overall score was awarded to price and 60% to quality as set out in table 2.11.1 for Lot 1 and 2.11.2 for Lot 2 above. Both price and quality scores were combined to

calculate a total score. Based on the overall evaluation criteria above the scores were as follows:

Lot 1: BIA

| Provider                           | Single unit fee | Quality | Total  |
|------------------------------------|-----------------|---------|--------|
|                                    | Score           | Score   | Score  |
| KMCA Consultancy Services Ltd.     | 38%             | 57%     | 95.00% |
| Liquid Personnel                   | 40%             | 54.60%  | 94.60% |
| Steve Chamberlain Social Care Ltd. | 38%             | 56.40%  | 94.40% |
| Kevin Scheuring Limited            | 38%             | 55.20%  | 93.20% |
| Recruitment Team Nine Limited      | 38.64%          | 51.60%  | 90.24% |
| Peaceable Habitation Limited       | 35.63%          | 53.40%  | 89.03% |
| ID Medical                         | 38.01%          | 49.80%  | 87.81% |
| Eduhez Ltd                         | 32.57%          | 49.80%  | 82.37% |
| Favore Didio Ltd                   | 35.63%          | 45.00%  | 80.63% |
| Action First Assessments LTD       | 34.03%          | 44.40%  | 78.43% |
| CMG Consultants Ltd                | 32.57%          | 45.60%  | 78.17% |
| MidCo Care Limited                 | 32.57%          | 40.20%  | 72.77% |
| Empowering Social Work Ltd         | 32.57%          | 36.60%  | 69.17% |
| Ambrosial Services Limited         | 35.08%          | 32.40%  | 67.48% |
| Unsuccessful bidder 1              | Non-compliant   |         |        |
| Unsuccessful bidder 2              | Non-compliant   |         |        |

Two providers failed stage 3 of evaluation as they scored 1 or less out of the available 5 points for any of the scored Method Statement Questions and achieved less than 30% of the available 60% for Quality.

## Lot 2: MHA

| Provider                       | Single unit fee | Quality | Total  |
|--------------------------------|-----------------|---------|--------|
|                                | Score           | Score   | Score  |
| Asia Medical Ltd.              | 33.45%          | 58.20%  | 91.65% |
| ID Medical Group Ltd.          | 36.26%          | 51.60%  | 87.86% |
| Best Hands Health Care Limited | 40%             | 42.60%  | 82.60% |
| AKRAS Solutions Limited        | 34.52%          | 42.60%  | 77.12% |
| Kabe Ltd.                      | 33.14%          | 42%     | 75.14% |
| Ashpri Limited                 | 35.15%          | 30.60%  | 65.75% |

### 3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The Council was required to commission Deprivation of Liberties Safeguarding (DoLS) Services to ensure compliance with the Council's statutory duties as set out within the Care Act 2014 and the Mental Capacity Act 2005. Therefore, allowing the current contracts to cease after reaching the end of their term (31st March 2022) was not an option. The council is required to continue to comply with its statutory duties in regard to BIA and MHA assessments and ensure that these assessments are undertaken appropriately.

### 4. POST DECISION IMPLEMENTATION

- 4.1 If the recommendations in this report are approved, bidders will be notified the outcome of the tender and the 10-day tender standstill period will commence. Following this, officers will work with the successful bidder for Deprivation of Liberties Safeguarding (DoLS) Services to ensure that the services are mobilised and the contract start dates will be 1<sup>st</sup> April 2022.
- 4.2 Contract Award Notices will be placed in the relevant places as required by the Public Contract Regulations 2015.
- 4.3 Contracts will be issued by HB Law.
- 4.4 Contracts will be monitored by the council to ensure that ongoing performance meets requirements as set out in the performance framework.
- 4.5 As communicated in the Tender documentation, the Approved Provider Lists (APLs) for both Lots may be re-opened to invite additional Bids as and when deemed necessary by the Authority during the APL's lifetime to increase capacity and service provider choice. This would be within the original budget and increase capacity, unless a further governance document is submitted, or a Forward Plan entry is created. The Authority is however under no requirement to reopen the APL. Each APL can be re-opened independently of the other APL and the re-opening of one

APL does not affect the other. In the event of the Authority re-opening an APL, timescales and the procurement procedure will be communicated to the market using Barnet Council's eSourcing Platform. Barring the original Procurement timescales, the Evaluation Methodology as laid out above and all other Tender Documentation where reasonable will be utilised for the re-opening of the APL. Contracted providers who have already successfully joined the APL will not be required to re-submit a tender in order to remain on the APL for that Lot. The re-opening of the APL will be for new Bidders to join the APL(s) only.

## **5. IMPLICATIONS OF DECISION**

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

5.1.1 These contracts will support the Council in meeting its statutory duties as set out within the Care Act 2014 and the Mental Capacity Act 2005.

5.1.2 The Council's Corporate Plan (2019-2024) strategic objectives are that the Council, working with local, regional, and national partners, will strive to ensure that Barnet is the 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.

Awarding these contracts as contained within this Delegated Powers Report will ensure that the contracts support the Council in meeting these objectives.

5.1.3 The contracts with providers will be robustly monitored and reviewed including their performance through key performance measures and outcome indicators.

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

5.2.1 The contract value for the Deprivation of Liberties Safeguarding (DoLS) Services is effective from 1st April 2022 to 31st March 2025. The maximum contract value that is available for the delivery of the service is £370,799.55 per annum (with a total global contract value available over the course of the contract term of three years of up to £1,112,398.65). This contract will be funded from within the overall Prevention budget (currently £7.887m (gross)) in 2021/22.

5.2.2 Regular financial monitoring forms part of the contracts, as does working within the ethos of continuous service improvement. The successful approved providers will be required to evidence key performance indicators that will form part of performance and contract monitoring which will take place on a bi-annual basis, notwithstanding the ability of the Council to carry out additional/more frequent reviews in the event of poor performance.



### **5.3 Legal and Constitutional References**

- 5.3.1 The procurement is subject to the EU Treaty provisions of equal treatment, fairness and non-discrimination. The tendering process ensured that these requirements were met.
- 5.3.2 The services delivered under these contracts are subject to the 'Light Touch Regime' under Regulations 74 to 76 of The Public Contracts Regulations 2015 (PCRs).
- 5.3.3 The contracts opportunity was advertised on Find a Tender in compliance with the Public Contracts Regulations 2015 and the Council's Contract Procedure Rules.
- 5.3.4 HB Public Law led on the drafting of the contract terms and conditions based on the content of the service specification for Deprivation of Liberties Safeguarding (DoLS) Services. The legal procurement process was followed throughout the tender process as advised by the LBB Procurement Business Partner for Adults and Health.
- 5.3.5 HB Public Law will be instructed to complete the contracts with the successful approved providers.
- 5.3.6 The Scheme of Delegation for the Executive Director of Adults and Health, as published on the Council's website, states that contracts over this value must follow authorisation as set out in the Contract Procedure Rules. The Council's Contract Procedure Rules, Paragraph 4.1 states that; "Any Procurement ... set out in the Annual Procurement Forward Plan and approved by the Policy and Resources Committee, is deemed as Authorised irrespective of the Contract value, subject to 4.3 below." Para 4.3 indicates that any procurement authorised via the Annual Procurement Forward Plan is subject to the reporting requirements detailed in the Approved Annual Procurement Forward Plan. The Authorisation and Acceptance Thresholds Table states that the acceptance of a contract with a procurement value of £500,000 and above may, if within Budget, be recorded by means of an Officer Delegated Power Report. A Chief Officer DPR in consultation with the Theme Committee Chairman is provided as a greater level of authority.

### **5.4 Risk Management**

- 5.4.1 The award of the Contracts is unlikely to raise public concern as these Services are already in operation. This is a statutory service and there would be a risk of significant levels of public concern were the services not to be continued.
- 5.4.2 The Council must undertake this work as the risks of not doing so could result in legal challenge.
- 5.4.3 There is a risk of Barnet residents being left without assessment, or a delay in assessment which amounts to an unauthorised Deprivation of Liberty, and a breach of their human rights.

- 5.4.4 Failure to meet statutory obligations not only risks legal penalties, but a risk to the council's reputation.
- 5.4.5 The risks detailed above can be mitigated by setting up formal contracts with specialist providers that meet the Council's requirements.
- 5.4.6 Following contract award, robust implementation plans will be finalised with the successful bidders and key stakeholders. Service mobilisation will follow a project management approach which will include recording and managing risks.
- 5.4.7 Risks of non-delivery will be managed by developing a strategic relationship with the providers in relation to the contract and robust contract monitoring.
- 5.4.8 Alongside this an Implementation, Risk Plan and Performance Framework will be agreed prior to initiating the service. The service specification includes performance and outcome measures which will continue to be monitored and reviewed through contract management.
- 5.4.9 Risks associated with the procurement process were mitigated by ensuring that provision of the services will be consistent with budget resources.
- 5.4.10 The risk that the new services and contracts will not provide value for money has been mitigated by designing the service specification to reflect best practice. Furthermore, bidders had the opportunity to submit their best quote per assessment for BIA and MHA.

## **5.5 Equalities and Diversity**

- 5.5.1 The core provisions of the Equality Act 2010 came into force on 1st October 2010 and the public-sector equality duty (section 149 of the Act) came into force on 5th April 2011. Under section 149, the council must have due regard to the need to eliminate discrimination, harassment and victimisation prohibited under the Act and to advance equality for opportunity and foster good relations between those with protected characteristics and those without.
- 5.5.2 The protected characteristics are age; disability; race; gender reassignment; pregnancy and maternity; religion or belief; sex; and sexual orientation. They also cover marriage and civil partnership regarding eliminating discrimination.
- 5.5.3 Any organisation providing public sector services is subject to scrutiny by the council to ensure that delivery complies with the public-sector equality duty.
- 5.5.4 The contracts for the Deprivation of Liberties Safeguarding (DoLS) Services includes explicit requirements fully covering the council's duties under equality legislation.
- 5.5.5 The Equality Impact Analysis undertaken for the service found that there will be a positive impact through this contract ensuring; that the council complies

with its statutory duties set out within the Care Act 2014 and the Mental Capacity Act 2005 whilst delivering better value for money for Barnet residents.

5.5.6 The service specification requires involvement and inclusion of the wider community in all areas of work. The success of engagement with the wider community and hard to reach groups will be monitored through the contract monitoring processes and providers will be required to address any anomalies where potential under-representation can be rectified or when an action has unintended consequences.

5.5.7 Further equality-specific measures may be developed with reference to projects or services as the contracts progress to ensure that the organisation acts in keeping with the council's public-sector equality duty.

## 5.6 Corporate Parenting

5.6.1 None in the context of this report.

## 5.7 Consultation and Engagement

5.7.1 A formal market engagement was carried out with the market to inform the recommissioning of local Deprivation of Liberties Safeguarding (DoLS) Services.

## 5.8 Insight

5.8.1 Not applicable.

## 6. BACKGROUND PAPERS

6.1 The Policy and Resources Committee agreed the Annual Procurement Forward Plan 2020-21 on 8<sup>th</sup> December 2020, which includes authorisation for Adults and Communities to procure Deprivation of Liberties Safeguarding (DoLS) Services (line 311)

<https://barnet.moderngov.co.uk/documents/s62439/Appendix%201%20Annual%20Procurement%20Forward%20Plan%20202122.pdf>

Chairman: **Cllr Rajput**  
Has been consulted

Signed

A handwritten signature in black ink that reads "Sachin Rajput". The signature is written in a cursive style with a long horizontal stroke underneath.

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Date 30/11/2021

Chief Officer: **Dawn Wakeling**  
Decision maker having taken into account the views of the Chairman

Signed

A handwritten signature in black ink that reads "Dawn Wakeling". The signature is written in a cursive style with a long horizontal stroke underneath.

Date 19/11/2021  
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