

BIRMINGHAM CITY COUNCIL

PUBLIC

Report to:	Cabinet
Report of:	Director of Public Health and Interim Corporate Director, Children and Young People
Date of Decision:	18th April 2017
SUBJECT:	CONTRACT AWARD FOR EARLY YEARS HEALTH & WELLBEING SERVICE (C0208)
Key Decision: Yes	Relevant Forward Plan Ref: N/A
If not in the Forward Plan: (please "X" box)	Chief Executive approved <input checked="" type="checkbox"/> O&S Chairman approved <input checked="" type="checkbox"/>
Relevant Cabinet Member(s) or Relevant Executive Member:	Cllr Majid Mahmood - Value for Money & Efficiency Cllr Paulette Hamilton - Health and Social Care Cllr Brigid Jones – Children, Families & Schools
Relevant O&S Chairman:	Cllr Mohammed Aikhlaq- Corporate Resources & Governance Cllr John Cotton – Health, Wellbeing and the Environment Cllr Susan Barnett – Schools, Children & Families
Wards affected:	All

1. Purpose of report:
<p>1.1 To provide details of the outcome of the procurement process undertaken for the Early Years Health and Wellbeing Service. The Private Report makes the recommendation for the award of the contract, some potential interim contract extensions and consultation.</p> <p>1.2 To advise that, upon completion of the statutory consultation process, a report will be submitted to the relevant Cabinet Members, in order to obtain approval of the Children’s Centre service that will be offered by the provider at the start of the contract.</p> <p>1.3 This matter was not included in the Forward Plan because it has been confirmed following consultation with the relevant Cabinet Members that despite a delegation being in place for the Contract Award to be signed at a Cabinet Member/Chief Officer level it is desirable for the report to be considered by Cabinet given the significance of the award and its relevance to all families with children under 5 living in Birmingham. Appropriate Overview and Scrutiny Chairs have agreed to Cabinet considering this report.</p>

2. Decision(s) recommended:
That Cabinet
2.1 Notes the contents of this report on the procurement process and the proposed mobilisation process.

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3. Consultation

3.1 Internal

- 3.1.1 The Early Years Commissioning Project Board has approved the recommendation.
- 3.1.2 The Director of Public Health and the Interim Corporate Director Children & Young People have been consulted and support the recommendation.
- 3.1.2 Officers from City Finance, Legal & Democratic Services, Human Resources and Corporate Procurement Services have also been involved in the production of this report.
- 3.1.3 The contents of this report have been shared with the unions. For reasons for commercial confidence, the full tender documents, the detail of the recommended provider and the private report have not been shared with the unions. The unions have requested that full and meaningful consultation be conducted throughout the period of contract mobilisation.

3.2 External

- 3.2.1 Birmingham South and Central Clinical Commissioning Group who commission Midwifery Services have been consulted and are in support of the recommendation

4. Compliance Issues:

4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?

- 4.1.1 The top priority highlighted in the Council's Vision for 2020 in its Safety and opportunity for all children is 'Every child having a fantastic childhood and the best preparation for adult life'. Children will benefit from an integrated early years and health service, and be well prepared to start formal education.
- 4.1.2 This Contract Award is in line with the Council's Financial Plan 2017+ and will deliver considerable savings on the current service through a remodelling, by integrating the Health Visitor and Children Centre services.
- 4.1.3 In order to discharge the Council's duty under the Public Services (Social Value) Act 2012 and the Council's Social Value Policy the tenderers have been required to demonstrate how their performance under the proposed contract will comply with the principles through the development and submission of an action plan set out in the Birmingham Charter for Social Responsibility. The organisation recommended to receive the contract award has confirmed their commitment to paying 100% of employees the Living Wage. This commitment will extend to all partners working within the supply chain. A range of employment opportunities to include apprenticeships, volunteering opportunities and student placements have also been set out within the tender submission which will be realised via the contract award.

4.2 Financial Implications

- 4.2.1 The proposed contract will be for an initial period of five years commencing on 1st September 2017 with an option to extend for up to a further two years dependent upon satisfactory performance. Proposed expenditure, and other financial and risk details are contained within the accompanying private report. These confirm that the recommended tender price can be afforded within the budgets included in the Financial Plan 2017+ after taking into account the savings targets set for the Early Years' service.
- 4.2.2 The cost of the contract will be funded from Public Health Grant. The Government has already announced reductions in the Public Health Grant in future years. However, the funding of Early Years can be accommodated within these reduced amounts. The Government is currently working to finalise the national 100% Business Rates Retention Scheme which is likely to impact on funding streams such as the Public Health Grant. The implications of this change for any particular service will need to be considered as part of the future priorities and financial planning of the Council as a whole.
- 4.2.3 The contract includes clauses enabling the Council to vary the scope of the contract resulting in the reduction of the value of the contract should the budget no longer be available for whatever reason. A break clause will be written into the contract to enable the Council to terminate the contract after 3 years should this be required for either financial or performance related reasons.
- 4.2.4 The Director of Public Health as the Accountable Officer for the use of the Public Health Grant (PHG) allocation along with the S151 Officer confirm that the funding required for this service is an appropriate use of the PHG allocation.
- 4.2.5 The costs of managing the contract will be met within existing resources within the Commissioning Centre of Excellence in the People Directorate.
- 4.3 Legal Implications
- 4.3.1 The Council has a number of statutory duties in relation to the provision of services to children and families.
- 4.3.2 In line with the law, provided by the Childcare Act 2006 and summarised in the Department for Education guidance entitle 'Sure Start children's centres statutory guidance April 2013. Local authorities are required to:
- "improve outcomes for young children and their families,
 - focus, in particular, on families in greatest need of support, and
 - reduce inequalities in child development, school readiness, parenting aspirations, self-esteem, parenting skills, child and family health and life chances"
- 4.3.3 As the legislation adds that, any strategies to achieve the above must include arrangements for the provision of sufficient children's centres to meet local need and that local authorities conduct appropriate consultation prior to implementing any changes to its children's centre services, it is essential that the contractor obliges the provider:
- to obtain the agreement of the Council, prior to implementing any significant changes to the Children's Centre services
 - to supply the council with sufficient notice of any proposed changes, thus enabling a satisfactory consultation exercise to be conducted.

4.3.4 In addition the Health and Social Care Act 2012 transferred the statutory responsibility for Public Health from the National Health Service (NHS) to local authorities from 1st April 2013, conferring new duties on local authorities to improve and protect public health.

4.3.5 The transfer of the 0-5 Healthy Child Programme commissioning responsibility was the last part of the transfer of the PHG commissioning responsibility with the transfer taking place on the 1st October 2015. The delivery of this service will ensure that the local authority is able to deliver the mandated elements for health visiting services which are:

- To commission five universal health visitor reviews delivered at 28/40 pregnancy, 10-14 days, 6-8 weeks, 1 year and 2.5 years.
- To implement the Children and Young People's Health Services Data Set recording to inform the Children and Young People's Health Services

4.3.6 TUPE legislation will apply to this contract. The incoming lead provider will establish a supply chain of services who will deliver support to children and families during their early years. There will be certain elements within the supply chain which will be created through subcontracting arrangements between the lead organisation and the support provider.

4.3.7 Birmingham City Council have already confirmed that it does not wish to manage the services in the supply chain and therefore TUPE will apply to any impacted BCC staff. As part of due diligence activity BCC will review pension provision and arrangements for any staff transferring to the new provider.

4.4 Public Sector Equality Duty

4.4.1 A stage 1 Equality Impact Assessment (EIA) was carried out in June 2014 and no adverse impacts were identified. This assessment has been refreshed to reflect the information contained within the tender documents on the new model. No adverse impacts were identified at this stage. Equality issues will be monitored through the mobilisation phase with the EIA being updated as appropriate to ensure that any emerging impacts are identified and responded to effectively

5. Relevant background/chronology of key events:

5.1 The contract strategy for the provision of Early Years Health and Wellbeing Services was approved by Cabinet on the 28th June 2016.

5.2 The contract strategy was developed to set out how we would work to deliver the vision 'To provide every child in Birmingham with the same chance to have a really good start in life'.

- 5.3 The strategy was based on a 90 day period of formal consultation started in November 2015 to secure the views of citizens and stakeholders to the main proposals in relation to:
- Remodelling services into a single integrated system under the management of a lead organisation.
 - Redefining the service offer to target services better at those children and families who need them most.
 - Rethinking the service model to deliver services into the places that children and families use most often.
 - Re-commissioning a service model focused on outcomes for children and families.
- 5.4 The service specification associated with the strategy set out the Council's future requirements for the integrated Early Years Health and Wellbeing Service providing information about:
- How we wish to see Health Visiting and Children's Centre services delivered in a fully integrated way from the point a child is conceived until they start school
 - How we want to work alongside parents, including the most vulnerable and resistant, to enable them to develop the skills, confidence, support networks and resilience to parent well and achieve financial independence and stability for their family.
 - How we want to put the child and family at the centre of our new service offer and deliver flexible services that are able to respond well to changing need
- A high level of support for the direction of travel was secured through the consultation.
- 5.5 For clarity the service specification relates to the re-modelling of the following services into a single integrated system:
- Health Visiting
 - Children's Centres
 - Pregnancy and Breastfeeding Support Services
 - Early Years parenting support services
- 5.6 To reflect the vision an Outcomes Framework was developed for the new service that is clustered around the following key areas:
- Reach and service uptake
 - Child development
 - Healthy Lifestyles
 - Effective parenting
 - Safeguarding

5.7 Invitation to Tender

- 5.7.1 The opportunity to tender was advertised on OJEU, Contracts Finder, and Finditinbirmingham and on the Council's procurement portal on the 5th September 2016 with a closing date of 3th October 2016. During this period 27 different providers expressed an interest in the tender and of these three providers completed the Pre-Qualification Questionnaire (PQQ). A number of those expressing an interest were to be sub-contractors/partners to those completing the PQQ.
- 5.7.2 The three bidding organisations completed and passed a PQQ to establish their suitability to perform the contract. The short listing report was signed off on 19th October 2016. The PQQ assessed the organisations in the following areas;
- Supplier Information
 - Grounds for mandatory exclusion
 - Grounds for discretionary exclusion
 - Economic and Financial Standing
 - Technical and Professional Ability
- 5.7.3 The Invitation To Competitive Negotiation (ITCN) was issued on 20th October 2016 for return on 22nd December 2016. Early in to this period one bidder withdrew as they felt it was not possible to establish a credible supply chain to deliver the service.
- 5.7.4 During this period the Council organised a number of mid tender meetings with both of the remaining bidders. None of these were scored as they were purely to assist bidders to fully understand the Council's requirement.
- 5.7.5 The evaluation of the initial returns was undertaken by the main evaluation panel along with comments from Subject Matter Experts (SMEs) – see in 5.8.2. As a result of this evaluation it was agreed that there were two credible bids though some areas of weakness. Feedback was given to both bidders and the Best and Final Offer (BAFO) stage was issued on 30th January 2017 for return on 24th February. Again mid tender meetings were held during this period. The question set remained unaltered apart from a question that at ITCN referred to a two year plan, at BAFO stage this was altered to a five year plan to fit with the contract period. In addition the word limit was expanded in certain areas. Further information was also requested in relation to the detail of the financial information. This particularly applied to the one-off set up costs to ensure that there was consistency between the tenderers. The evaluation was carried out with the same evaluation team but expanded SME team.

5.8 Evaluation and Selection Criteria

- 5.8.1 The specification for the service required was established and using a pre-determined methodology the overall social value/ Quality/Price balance has been assessed as 10% Social Value, 50% Quality and 40 % Price. The six areas of quality assessment were made as follows:-
- Method Statements
 - Outcome Based Delivery
 - Diversity Competence
 - Performance Management and Validation
 - Infrastructure
 - Safeguarding

The methodology used to assess the incoming tenders was modified from that set out in the June 2016 Cabinet Report which included a 10% Social Value, 60% Quality and 40% Price split. This change to the assessment weighting was approved following consultation with the relevant Cabinet Members to reflect the Council’s challenging financial position.

Details of the evaluation of both the first stage ITCN and BAFO are given in the Private report.

5.8.2 The evaluation of tenders were undertaken through a panel comprising of:

- Commissioning team members – People Directorate
- Early Help, Family Support and Youth Justice
- Access to Education
- Public Health
- Education Infrastructure and early Years
- Head of City Finance – People Directorate
- Supported by Corporate Procurement Services- Corporate Resources Directorate

In addition there were a number of subject matter experts who responded to specific questions at the two stages.

ITCN (Initial)	BAFO (final)
Parents	Parents
People Directorate IT	People Directorate IT
	Special Educational Needs and Disabilities
	Trade Unions
	Children’s Social Care
	Centre for Research in Early Childhood
	Public Health

5.9 Contract Management

5.9.1 The contract will be managed by a Head of Service from the Commissioning Centre for Excellence in the People Directorate Senior Officer from Council.

5.10 Mobilisation and Consultation

5.10.1 The contract mobilisation and associated consultation processes will be led by the Commissioning Centre of Excellence in the People Directorate. The mobilisation team will comprise officers from Education, Public Health, Children’s Social Care, IT, HR, Finance, Legal Services and Asset Management.

The contract mobilisation will include the following key elements:

- A 60 day period of statutory public consultation on proposed changes to Children's Centre services to enable the final service delivery map to be confirmed within the agreed contractual price
- A 45 day period TUPE consultation for staff within scope for the new model will begin at the earliest possible stage in recognition the complexity of the transfer and issues which may arise in the course of the consultation.
- A concurrent 45 day collective redundancy consultation for staff who will be placed at risk as a consequence of the remodelling of services.
- There may be a requirement to restructure some settings, the Council are committed to meaningful consultation and due process in discussion with the trade unions.
- A communication and engagement strategy to cover all stakeholder and interested parties
- A review of the implications for our assets and integrated education settings
- Confirmation of IT mobilisation plans to include data and record transfer arrangements and interfaces requirements
- Negotiation of KPIs for inclusion in the contract
- Development of the client side function

5.10.2 A detailed transition/ mobilisation plan was included in the tender submissions and this will be further refined after the award of the contract. This will be required to be produced by the new provider given the size and complexity of the implementation of this contract. The mobilisation plans include the following elements:

- Communication plan
- Contracts
- Risk management
- Human Resources
- Clinical quality and governance
- Estates
- Data management
- Development of Financial Management and Reporting Systems
- Information Technology

5.10.3 Contract mobilisation is scheduled to be completed by the 31st August 2017, with the new contract commencing from the 1st September 2017.

5.10.4 All current associated contracts to this service end on 31st August 2017. Whilst every effort will be made to ensure that the new contract is mobilised by this date there is some risk that this will not be achieved. In order to mitigate this risk and ensure a safe transfer of service provision, Cabinet is requested to agree extensions to these contracts. Details are given in the Private report.

6. Evaluation of alternative option(s):

6.1 Not to award the Contract: There was a sufficient quality bid to meet the challenge of the substantial budget reduction for the delivery of a meaningful Early Years Health and Wellbeing Service. Without this integrated approach the offer to the 0-5 year olds and their families would be very weak and impact on those children life chances.

7. Reasons for Decision(s):

7.1 This report is for noting only. The accompanying private report is to enable the contract award for the Early Years Health and Wellbeing Service

Signatures	<u>Date</u>
Cllr Majid Mahmood:..... Cabinet Member for Value for Money & Efficiency
Cllr Brigid Jones: Cabinet Member for Children, Families and Schools
Cllr Paulette Hamilton:..... Cabinet Member for Social care
Colin Diamond: Interim Corporate Director, Children and Young People

List of Background Documents used to compile this Report:
Cabinet report - Strategy and Procurement process for the provision of an Early Years' Services of 28 th June 2016.

List of Appendices accompanying this Report (if any):
Updated Equality Analysis

Report Version	V0.8	Dated	05.04.2017
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