

## **Cabinet Member Delegated Decision 12 March 2019**

**Report title:** Contract Variation for the Adult Counselling and Support Service to Vulnerable Adults commissioned to Oxleas NHS Trust

**Wards:** All

**Report Authorised by:** Fiona Connolly, Strategic Director - Adults and Health

**Portfolio:** Councillor Edward Davie and Cllr Jacqui Dyer, Cabinet Member for Health and Adult Social Care (job share)

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### **Report summary**

This report seeks approval to extend the contract for the Lambeth Counselling and Support Service to Vulnerable Adults, commissioned from Oxleas NHS Trust to a revised end date of up to 30 June 2020. The service was originally commissioned from September 2015 up until 30 September 2018, however it is considered necessary for both the safety and wellbeing of the vulnerable client group who access this service to extend its end date accordingly. This is primarily in light of the establishment of the Lambeth Children's Home Redress Scheme (referred to as the Redress Scheme hereafter), which has been set up to provide recognition of and compensation for the historic abuse and neglect experienced by some individuals who are accommodated in children's homes managed by Lambeth Council.

Officially launched on 2 January 2018, the Redress Scheme is open to receive applications until 1 January 2020. The Counselling and Support Service for Vulnerable Adults forms a key part of the overall compensation and support package for individuals and their families who have been affected by historic abuse. As such, it is considered necessary that the Oxleas service is accessible during the time which the Redress Scheme is open. The Service is available to anyone affected by historic abuse in children's homes in Lambeth including those accessing the Redress Scheme or who may be affected by related publicity or inquiries such as the Independent Inquiry into Child Sexual Abuse (IICSA). The service will remain open for up to 6 months following the formal closure of the Scheme, in order to sufficiently meet client demand. This will ensure that the psychological and emotional needs of these vulnerable individuals are met whilst the Redress Scheme is operational and allow for safe planned transition to ongoing support arrangements for those who may need it once the Redress Scheme is formally closed.

There was no formal approval in place for the spend during 1 October 2018 – 12 March 2019, therefore the Cabinet Member is asked to note payment/spend made during this period.

### **Finance summary**

This report seeks approval to extend the duration of the service from the current end date of 30 September 2018. The intention is to extend the value of this demand led, activity based contract from 1 October 2018 until at maximum equivalent annual value of £398,237 per annum. This will result in maximum additional expenditure over the contract extension of £696,978 from 1 October 2018.

The original contract was commissioned in September 2015, and the total expenditure against the contract up to 30<sup>th</sup> September 2018 has been £476,000. Together with the proposed contract extension to 30 June 2020, this will bring the total expenditure on this service since September 2015 to a maximum of £1,172,978.

### **Recommendations**

1. To note expenditure of up to £177,789.38 during the period 1<sup>st</sup> October 2018 to 12 March 2019.
2. To waive section 9.2 of the Council's Standing Orders to extend the contract for the Lambeth Counselling and Support Service to Vulnerable Adults with Oxleas NHS Trust from 12 March 2019 to 30 June 2020 for an amount of £519,188.62 and a total extension value of £696,978. The total contract value since September 2015 is £1,172,978.

### **Reasons for Exemption from Disclosure**

The accompanying part II report is exempt from disclosure by virtue of the following paragraph of Schedule 12A to the Local Government Act 1972:

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

## **1.0 Context**

- 1.1 Lambeth Council is one of a number of public sector organisations that are being investigated as part of the Independent Inquiry into Child Sexual Abuse (IICSA). IICSA was established as a result of evidence brought into the public domain by both criminal investigations and testimonials from survivor organisations, indicating systematic of abuse of children who had been in local authority care. This included many people who had been in the care of children's homes managed by Lambeth.
- 1.2 In response to these allegations, during 2015 the Council began investigating possible options to make appropriate redress, pay compensation and provide to support to people who may have suffered whilst in the care of Lambeth children's homes during the period in question. As part of this in September 2015 the Council commissioned a bespoke support service for vulnerable adults who may have experienced trauma as a result of direct experience of, or proximity to, abuse and/or neglect. The provider, Oxleas NHS Foundation Trust, was selected on the basis of being an NHS provider with a track record of expertise in the field of trauma informed psychological counselling and support. In addition the provider is both accessible and is regarded as being completely independent from the borough. This is a key requirement due to the sensitivities surrounding this vulnerable client group, many of whom are naturally suspicious of local services, given the harm they suffered whilst in the care of the local authority and its forerunners.
- 1.2 The service is commissioned to provide high quality, flexible low threshold personalised psychological counselling and support services, tailored to meet the needs of its clients. Development of the service has been through an iterative process of co-production and open dialogue between the service beneficiaries, Oxleas Mental Health Trust as the provider, and the Council. Since then the service has established itself well with the target client group, commissioners and other key partners, and continues to provide support which is of high quality and meets the needs of this client group. The service is now highly valued by a large cohort of regular users many of whom are vulnerable.
- 1.3 In January 2018 the Council formally announced the establishment of the Lambeth Children's Homes Redress Scheme. The Redress Scheme is open for applications from 2 January 2018 until at least 1 June 2020, with the possibility of extension beyond this date. Therefore the contract extension for a maximum period up 30<sup>th</sup> January 2020 is to ensure that adequate psychosocial support remains, whilst applications to the scheme are processed which may take a considerable length of time in some instances. The service will also ensure provision is in place for the additional individuals in who were in care in Lambeth and may be affected by the ongoing inquiry being undertaken as part of IICSA.

## **Proposal and Reasons**

- 2.1 The report seeks approval to extend the Oxleas Adults Counselling and Support Service Contract for a maximum period up until 30 June 2020. The revised end date will assure continued support

for those requiring this whilst providing sufficient time for transition planning for those requiring ongoing support once the service closes

- 2.2 The service provides a range of support including: in person and telephone counselling, practical and emotional support, signposting and referral to specialist psychological support where deemed appropriate; and advice and assistance with practical issues such as housing, benefits, education and training. Since the original mobilisation of the service there has been consistent increase in uptake of the service, with the current service caseload of over 200 regular beneficiaries at any one time. The extension will provide a maximum capacity of up to 350 beneficiaries at any one time.
- 2.3 The service has a very fluid approach because feedback from service beneficiaries is that although many have experienced trauma they been emphatic in not wanting a predetermined response based on assumptions regarding their experience. Oxleas NHS Trust have deliberately designed the service to provide flexible, individually defined support ranging from: helping people go through their children's social care file (which a significant number find distressing); to providing both telephone and face to face counselling support on an ongoing 'as need' basis; as well as onwards referral where required.. For many individuals accessing the service provides a safe and neutral space to address the distress, anger and ambivalence that many have experienced consequent to their experience whilst in the care of the Council. This is the intended central outcome in terms of supporting the overall well-being of victims and survivors of abuse.
- 2.4 Provision of the service will contribute to the fulfilment of the Council's obligations for adult safeguarding and maintaining the health and wellbeing of a vulnerable cohort of individuals who may have experienced previous abuse or neglect, or been fearful or being abused or neglected, whilst in the care of the Council.
- 2.5 Oxleas Mental Health Trust have also demonstrated that they operate a clinically safe high quality service that is trusted and valued by beneficiaries whose formative experience has led them to be mistrustful of the Council and other organisations in Lambeth. The provider has worked effectively with beneficiaries and the Council to adapt and expand the service model in the light of customer needs.
- 2.6 The Council holds quarterly contract review meetings with the provider at which they have consistent increase in the number of beneficiaries regularly accessing the service. Feedback from service users indicates generally high rates of satisfaction with the flexible and responsive nature of the service which is valued given many individuals previous experience..
- 2.7 Continuation of the service is considered to be in the best interests of the Council given that there are is no other provider that has the requisite expertise or established relationship. Extending the contract avoids the risk of service discontinuity given that the service team consists of staff who commit a dedicated proportion of their working time to the service and who possess the specialism necessary to work with vulnerable individuals who have experienced trauma.
- 2.9 The intention was to complete the contract extension before the end of the previous contract term. However, further negotiations to finalise both the actual length of the contract extension, define potential service capacity and agree the contract price have only recently been concluded.

- 2.9. The contract extension will include a requirement that the provider adheres to the General Data Protection Regulations as in accordance with the contractual terms and conditions.

### **3.0 Finance**

- 3.1 The service was commissioned in September 2015 and total authorised expenditure to 30<sup>th</sup> September 2018 has been £476,000.
- 3.2 As this is an activity based contract actual annual outturn will be subject to demand. However, the maximum overall annual value is set at £398,273, consistent with an overall maximum additional expenditure of £696,978 from 1<sup>st</sup> October 2018 until 30<sup>th</sup> June 2020.
- 3.3 The service will be continuously monitored (minimum of quarterly contract review meetings with Commissioner/s) and evaluated to ensure it is delivering a high quality and value for money service which effectively meets the needs of this vulnerable client group.
- 3.4 The costs set out in this report will be funded from the corporate items budget or reserves.

### **4.0 Legal and Democracy**

- 4.1 The Council has delegated the power to deal with the matters detailed in this report to the Director or Strategic Director, who will take account of the recommendations of the Procurement Board.
- 4.2 The Council's Contract Standing Orders require that all contracts with a value in excess of £100,000 should be competitively tendered. This requirement may be waived by the Director or Strategic Director if she is satisfied that there is good reason for the waiver. The reasons asserted in section 2 of this report are recognised reasons for waiving the competitive tendering requirement.
- 4.3 The EU procurement regime applies to the matters set out in this report by application of the Public Contracts Regulations 2015. The services which are the subject of this report are deemed 'light touch' services within the meaning of the Regulations. As such the contract is subject to the non-modification rule, and the risk has been addressed in section 6.2 of this report.
- 4.4 This proposed key decision was entered in the Forward Plan on 11 January 2019 and the necessary 28 clear days' notice has been given. In addition, the Council's Constitution requires the report to be published on the website for five clear days before the proposed decision is approved by the Cabinet Member. Any representations received during this period must be considered by the decision-maker before the decision is taken. A further period of five clear days - the call-in period - must then elapse before the decision is enacted. If the decision is called-in during this period, it cannot be enacted until the call-in has been considered and resolved.

### **5.0 Consultation and co-production**

5.1 The service has been commissioned as a result of ongoing dialogue between the Council, the provider and clients alike. The service is commissioned to provide high quality and personalised psychological counselling and support services, tailored to the needs of the clients accessing them. Since its inception the service leads have proven been highly adept and flexible in developing and amending the service in order to meet the needs of this vulnerable client group successfully.

## **6.0 Risk management**

6.1 The service provided involves clinical delivery and as such it must be delivered by appropriately trained, accredited and experienced professionals to meet the standards required of the NHS and professional regulatory bodies, as well as nationally recognised clinical guidelines. Due diligence has also been undertaken on this provider, including verification of insurances and safeguarding policies and procedures.

6.2 Another provider could potentially challenge the continuation of the contract but officers have considered this and assessed that there is little prospect that there is another provider that can meet the Council's challenging requirements for this particular service. The Council used the first year of this service from 1<sup>st</sup> September 2015 as a pilot period during which time the service model was tested to suit the needs of the service users and the service has proven successful. In order to maintain this service standard and consistency the intention is ensure the service can be contracted up to June 2020 if necessary.

6.3 As part of establishing the provider on the contracts register all relevant due diligence has been undertaken. This includes Dun & Bradstreet checks, insurances and policies and processes relating to Child and Adult Safeguarding to ensure adherence to both NHS and local standards. The Council will also ensure that a Business Continuity Plan is sought from the provider and that this integrates with the Lambeth Business Continuity arrangements. GDPR-

## **7.0 Equalities impact assessment**

7.1 An EIA was undertaken as part of the review of the Lambeth Redress Scheme. The findings was that the overall offer was largely beneficial to all equalities characteristics given the Council's obligations under the equalities and human rights legislation. The expansion of the service capacity will ensure that the service can effectively respond to the needs of a vulnerable population group, many of whom it can be said are overrepresented within Black and Minority Ethnic (BME) groups and lower socioeconomic statuses. This vulnerable population group have experienced considerable adversity which has consequently impacted upon their life chances, social functioning and hence overall outcomes across a range of domains including health and social functioning.

## **8.0 Community safety**

8.1 The service aims to provide high quality, personalised clinical support to vulnerable adults in order to help support and maintain their safety., Given the numbers of individuals potentially affected this will support wider community wellbeing and social cohesion within the borough.

**9.0 Organisational implications**

The service will assist the Council to respond to the needs of its residents and protect its most vulnerable in line with its statutory obligations under child and adult safeguarding legislation.

**9.1 Environmental**

None.

**9.2 Staffing and accommodation**

None.

**9.3 Procurement**

All contracts will reflect Lambeth’s Responsible Procurement Aims and Goals. The providers will be required to ensure that where appropriate opportunities are provided for local residents to be engaged in the development and delivery of the service via volunteering/employment or involvement service planning or design. All commissioned providers are compliant with the London Living Wage.

**9.4 Health**

Lambeth has a duty to ensure that it responds to the needs of its residents, and promotes and supports their health and wellbeing. The commissioning of the counselling support service to vulnerable adults is in line with this. The service will provide high quality, personalised support to vulnerable adults.

**10.0 Timetable for implementation**

	Item Description	Date
1	Report presented at Procurement Board	12/02/2019
2	Decision cleared	27/02/2019
3	Start dates for new contract	01/10/2018
4	Decision date	12/03/19

<b>Audit trail</b>				
<b>Consultation</b>				
<b>Name/Position</b>	<b>Lambeth directorate or partner</b>	<b>Date Sent</b>	<b>Date Received</b>	<b>Comments in para:</b>
Cllr Jacqui Dyer	Cabinet Member for Health and Social Care	14/12/18	17/12/18	
Fiona Connolly Strategic Director for Adults and Health	Adults and Health	30/01/19	04/02/19	
Pete Hesketh – Assistant Director, Finance	Finance and Investment: Finance Division	07/12/18	18.12.18	3.1 - 3.4
David Thomas – Contracts Lawyer	Legal and Governance	07/12/18	12/12/18	4.1 - 4.3
Democratic Services Maria Burton	Legal and Governance	07/12/18	11/12/18	4.4
<b>Internal Officer Board</b>	<b>Date of meeting</b>			
Procurement Board	12/02/19			

<b>Report history</b>	
<b>Original discussion with Cabinet Member</b>	14/12/18 - Cllr Jacqui Dyer, Cabinet Member for Health and Social Care
<b>Part II Exempt from Disclosure/confidential accompanying report?</b>	Yes
<b>Key decision report</b>	Yes
<b>Date first appeared on forward plan</b>	08/01/019
<b>Key decision reasons</b>	2. Expenditure, income or savings in excess of £500,000
<b>Background information</b>	Cabinet report from June 2016: <a href="http://moderngov.lambeth.gov.uk/ieDecisionDetails.aspx?ID=3713">http://moderngov.lambeth.gov.uk/ieDecisionDetails.aspx?ID=3713</a>
<b>Appendices</b>	None

**APPROVAL BY CABINET MEMBER OR OFFICER IN ACCORDANCE WITH SCHEME OF DELEGATION**

**I confirm I have consulted Finance, Legal, Democratic Services and the Procurement Board and taken account of their advice and comments in completing the report for approval:**

**Signature \_\_\_\_\_ Date \_\_\_\_\_**

**Post: David Orekoya, Lead Commissioner-Health Improvement**

**I confirm I have consulted the relevant Cabinet Members, including the Leader of the Council (if required), and approve the above recommendations:**

**Signature \_\_\_\_\_ Date \_\_\_\_\_**

**Post: Jacqui Dyer, Cabinet Member**

**Any declarations of interest (or exemptions granted):**

<b>Issue</b>	<b>Interest declared</b>
None	None