

**Report of The Head of Complaints, Adults and Health**

**Report to The Chief Officer, Resources and Strategy, Adults and Health**

**Date: 25 January 2021**

**Subject: To award the Contract for Independent Persons and Independent Investigating Officers**

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? Yes If relevant, access to information procedure rule number: 10.4.3 Appendix number: 1	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**Summary**

**1. Main issues**

- This report seeks the approval of the Chief Officer, Resources and Strategy of Adults and Health to award a Contract to RRC (RRConsultancy) Limited for providing Independent Persons and Independent Investigating Officers. The Contract is effective from 1<sup>st</sup> February 2021 and will expire on 31<sup>st</sup> January 2026, with an option to extend for a further 12 months. Prices were submitted on a schedule of rates basis, however, the value of the contract is approximately £60,000 per annum based on 2019/2020 referrals, £300,000 over a five year period and £360,000 to include the option to extend for a further 12 months.
- This report sets out the process that was followed. The criteria used in the evaluation was based on cost and quality of the service and the prices tendered for the service from the 3 organisations is detailed in **Appendix 1**

**2. Best Council Plan implications** (see the [latest version of the Best Council Plan](#))

- COVID-19 continues to have a hugely significant impact on all areas of the Best Council Plan, with the economy, employment, education, community resilience and health and wellbeing all detrimentally affected by the pandemic, which will

undoubtedly limit progress towards the Council's ambitions and present long-term challenges for the city.

- However, entering into this contract will allow the opportunity to attract the best provider who understands the Council's statutory requirements and, therefore, demonstrate how their service can support the Council to meet those requirements and contribute to supporting the Council to achieve its Best Council plans.
- This Service should operate within the strategic context determined by the national and local agenda for children and young people and the change agenda driving Children's Services:-  
For Leeds to be the best city in the UK and the best city for children and young people to grow up in.  
For Leeds to be a child friendly city.  
To invest in children and young people to help build an increasingly prosperous and successful city.  
To improve outcomes for all children whilst recognising the need for outcomes to improve faster for children and young people from vulnerable and deprived backgrounds.
- This Service should also operate within the strategic context determined by the national and local agenda for older and disabled people and the change agenda driving Adult and Health's increasing focus on the prevention of illness, dependency and the promotion of health, well-being and independence. The updated Best Council Plan 2020-2025 reflects the current COVID-19 context, while maintaining the three pillar priorities of inclusive growth; health and wellbeing and climate change, under the overarching priority of tackling poverty and inequalities.

### **3. Resource implications**

- The contract for independent people and independent investigating officers is a statutory requirement to enable the council to meet the requirement of the Adults and Health and Children's Services statutory complaints regulations.
- The contract will be funded from the existing Adults and Health and Children's Services Complaints Teams' budgets.

### **Recommendations**

- a. That the Chief Officer, Resources and Strategy of Adults and Health, approves the award of the Contract for Independent Persons and Independent Investigation Services to RRC (RRConsultancy) Limited commencing on 1<sup>st</sup> February 2021 and will expire on 31<sup>st</sup> January 2026. There will be an option to extend for a further period of 12 months.

#### **1. Purpose of this report**

- 1.1 The purpose of the report is to seek approval from the Chief Officer, Resources and Strategy of Adults and Health to award a Contract for the provision of Independent Persons and Independent Investigating Officers to RRC (RRConsultancy) Limited

for 5 years, commencing on 1<sup>st</sup> February 2021, with an option to extend for a further 12 months.

## **2. Background information**

- 2.1 Adult and Health Regulations require the involvement of an Independent Person in the consideration of representations including complaints from vulnerable adults.
- 2.2 Children Act regulations require the involvement of an Independent Person in the consideration of representations including complaints from children and young people and in the review of secure accommodation.
- 2.3 The previous contract for the provision of Independent Persons and Independent Investigation services for Adults and Health and Children's Services Complaints Teams expired on 31<sup>st</sup> December 2020 with no further extension available.
- 2.4 An Independent Person should neither be an Elected Member nor an employee of the Local Authority nor a spouse of an employee or Elected Member of the Local Authority. For this reason, the Council has a contract for an external provider to deliver this work.

## **3. Main issues**

- 3.1 The previous contract for Independent Person and Independent Investigation Services to provide services for the Adults and Health and Children's Services Complaints Teams expired on 31<sup>st</sup> December 2020 with no extension available. Arrangements were put in place to procure a new contract following a procurement exercise with a new contract to be in place from 1<sup>st</sup> February 2021.
- 3.2 A procurement exercise was carried out in accordance with the Council's Contracts Procedure Rules using an open tender process. Due to the nature of the services provided, the contract falls under Schedule 3 (Social and other Specific Services) of the Public Contracts Regulations, however, a full OJEU procurement process under the light touch regime was not required because it does not exceed the financial threshold (currently £663,540) for the light touch regime. The invitation to tender was advertised on YORtender on 14<sup>th</sup> October 2020.
- 3.3 In line with current Council Policy, this Contract was evaluated against a 60% quality and 40% price split. 10% of the quality criteria was reserved for Social Value, with the tender going through the Social Value Portal.

Tenders were evaluated by a Panel made up of:-

- Head of Complaints, Adults and Health
- Customer Services Lead, Children's Services
- Complaints Manager, Adults and Health
- Customer Services Officer, Children's Services

- 3.4 Three tenderers submitted a bid. Of these three bids received, two bidders failed to meet the required quality threshold and were, therefore, eliminated from the tender process.
- 3.5 The Social Value Portal evaluated the Social Value aspects of the bids submitted. The successful provider will be obliged to deliver the social value offer made within

their tender submission, which will be monitored throughout the course of the contract.

- 3.6 Upon completion of both stages of the procurement exercise, RR Consultancy scored higher on both quality and price. The tender evaluation summary is attached as Confidential **Appendix 1**.

## **4. Corporate considerations**

### **4.1 Consultation and engagement**

- 4.1.1 There are no specific consultation and engagement requirements in connection with the awarding of the contract to RR Consultancy. In accordance with the tender process, successful and unsuccessful bidders will be informed of the outcome of the tendering exercise.
- 4.1.2 However, Elected Members are kept updated about the work of the Complaints Team, for instance, by presenting the Complaints Annual Report to the Executive Elected Member for Adults and Health and Scrutiny Board Elected Members.
- 4.1.3 Engagement with our NHS Partners and Independent Advocacy organisations has continued and is further being strengthened by focusing on capturing customer/patient experience across the city and sharing widely amongst the partners any lessons learned from people's feedback.

### **4.2 Equality and diversity / cohesion and integration**

- 4.2.1 Complaints received have always been subject to equality monitoring which includes all the equality characteristics protected through legislation (age, disability, gender, race, religion or belief and sexual orientation). This allows a wider range of assurance in terms of assuring equity of access and equity of outcome focussing on the nature of the complaint which may cause the service user an inequality as opposed to purely equality monitoring the complainant.
- 4.2.2 Due regard to the equality impact assessment process was, therefore, taken into account during the evaluation process, a full assessment was not required.

### **4.3 Council policies and the Best Council Plan**

- 4.3.1 COVID-19 continues to have a hugely significant impact on all areas of the Best Council Plan, with the economy, employment, education, community resilience and health and wellbeing all detrimentally affected by the pandemic, which will undoubtedly limit progress towards the Council's ambitions and present long-term challenges for the city.
- 4.3.2 The updated Best Council Plan 2020-2025 reflects the current COVID-19 context, whilst maintaining the three pillar priorities of inclusive growth; health and wellbeing; and climate change, under the overarching priority of tackling poverty and inequalities.
- 4.3.3 However, entering into this contract will allow the opportunity to attract the best provider who understands the Council's statutory requirements and, therefore, demonstrate how their service can support the Council to meet those requirements and contribute to supporting the Council to achieve its Best Council plans.

4.3.4 This Service should operate within the strategic context determined by the national and local agenda for children and young people and the change agenda driving Children's Services:-

- For Leeds to be the best city in the UK and the best city for children and young people to grow up in
- For Leeds to be a child friendly city.
- To invest in children and young people to help build an increasingly prosperous and successful city.
- To improve outcomes for all our children whilst recognising the need for outcomes to improve faster for children and young people from vulnerable and deprived backgrounds

4.3.5 This Service should also operate within the strategic context determined by the national and local agenda for older and disabled people and the change agenda driving Adult and Health's increasing focus on the prevention of illness, dependency and the promotion of health, well-being and independence as outlined in the Best Council Plan 2020-2025

#### Climate Emergency

4.3.6 When making arrangements for undertaking investigations i.e. reviewing files and interviewing staff, considerations should be made to use public transport and/or arranging to meet and interview staff virtually or at venues that helps cut down on staff travelling to the city centre and, therefore, reduces unnecessary carbon emissions.

4.3.7 Unnecessary printing is also to be avoided by reviewing information and/or sharing information electronically.

4.3.8 The tendering process allowed tenderers to submit their own evidence to their contribution towards reduction in carbon emissions via the Social Value criteria. The successful provider's commitment will be monitored throughout the course of the contract.

#### **4.4 Resources, procurement and value for money**

4.4.1 The request to award the contract to commence on 1<sup>st</sup> February 2021 is being made to ensure continuous service delivery.

4.4.2 The value of the contract based on the 2019/2020 referrals is approximately £60,000 per annum, £300,000 over a five year period and £360,000 to include an extension for a further 12 months. Prices were submitted on a schedule of rates basis.

4.4.3 The contract will be funded from the existing Adults and Health and Children's Services Complaints Teams' budgets.

#### **4.5 Legal implications, access to information, and call-in**

- 4.5.1 Due to the estimated total value of £360,000 (5 years at £60,000 per annum with an option to extend for a further 12 months) this is a Significant Operational decision as defined under article 13 of the consultation, and requires publication but is not subject to call-in under the Scrutiny Board Procedure Rules.
- 4.5.2 The information set out in Appendix 1 contains potentially commercially sensitive information relating to the financial and business affairs of the three tenders, which is exempt under Access to Information Procedure Rule 10.4.1
- 4.5.3 There are no legal implications associated with the content of this report. All necessary provisions are to be made within the contract between the Council and provider which has been drafted and will be issued by the Procurement and Commercial Services Procurement Team.

## **4.6 Risk management**

- 4.6.1 In awarding the Contract, there is a risk of challenge from the unsuccessful contractors. However, any challenge will be appropriately addressed due to the service being subjected to a thorough tendering and evaluation exercise and arrangements are in place to give feedback to unsuccessful contractors.

## **5. Conclusions**

- 5.1 This report and the Confidential Appendix 1 indicate the exhaustive process that has been followed to put into place a cost-effective contractual arrangement for this service. The provider that has come through this process is judged to be the most appropriate and, therefore, best available.

## **6. Recommendations**

- 6.1 That the Chief Officer, Resources and Strategy of Adults and Health, approves the award of the Contract for Independent Persons and Independent Investigation Services to RRC (RRConsultancy) Limited commencing on 1<sup>st</sup> February 2021 and will expire on 31<sup>st</sup> January 2026. There will be an option to extend for a further period of 12 months.

## **7. Background documents<sup>1</sup>**

- 7.1 Confidential Appendix 1

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<sup>1</sup> The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.