

Cabinet Member Report

Decision maker(s) at each authority and date of Cabinet meeting, Cabinet Member meeting or (in the case of individual Cabinet Member decisions) the earliest date the decision will be taken	<p>Cllr Tim Mitchell – Cabinet Member for Adult Social Care and Public Health</p> <p>Date: 25 February 2020</p>	 City of Westminster
Report title (decision subject)	Healthy Families, Healthy Communities (HFHC) ‘Change4Life’ Service – Contract Award Recommendation	
Executive Director	Bernie Flaherty Bi-Borough Executive Director of Adult Social Care and Health	
Reporting officer	Gaynor Driscoll, Head of Commissioning Mary Russell, Strategic Commissioner	
Key decision	Yes	
Access to information classification	Part A – Public Part B – That this be exempt from disclosure on the grounds that: i. It contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings under paragraph 5 of Schedule 12A of the Local Government Act 1972	

PART A

1. EXECUTIVE SUMMARY

- 1.1. Tenders have been sought for a new Healthy Families, Healthy Communities (HFHC) 'Change4Life' health promotion service. The service will form the central part of a broader bi-borough programme of work to promote positive health and wellbeing outcomes and prevent obesity amongst children, young people, and their families.
- 1.2. The new service is based from national best practice and significant local experience. Since 2014 the Public Health service has overseen a range of activities that have started to reduce levels of childhood obesity at a local level. Whilst this is a significant achievement there is a need to refine the service offer to accelerate outcomes, reduce widening health inequalities and ensure an integrated 'whole system' response. The proposal is that this new service will replace the obesity prevention and weight management services which came to an end in Westminster in June 2019.
- 1.3. This report recommends that Westminster City Council enter into contracts with the successful tenderer Family Action to deliver Healthy Families, Healthy Communities (HFHC) 'Change4Life' health promotion service.

2. RECOMMENDATIONS

For Westminster City Council (WCC)

- 2.1. That Part B of this report be exempt from disclosure by virtue of the Local Government Act 1972 Schedule 12A, Part 1, paragraph 3 (as amended), in that it contains information relating to the financial or business affairs of any person (including the authority holding that information).
- 2.2. That the Cabinet Member for Adult Social Care and Public Health approve the award of a contract to Family Action for a term of three years commencing 1st April 2020 to 31st March 2023, with the option to extend for a further two years until 31st March 2025, subject to performance and financial constraints. The contract price for three-year term is £1,006,095. The two-year extension cost will be £680,353 making a five-year total contract value of £1,686,448.
- 2.3. That the Cabinet Member for Adult Social Care and Public Health delegate approval to exercise the option to extend the WCC contract to the Executive Director for Adults Social Care and Health

3. REASONS FOR DECISION

- 3.1. The previous service model was made up of two lots: Lot 1 and Lot 2:

Lot 1 – Provision of Planning, Policy and Workforce Development. This ended in line with the contracted expectations on 31 July 2018.

Lot 2 – Provision of the Obesity Prevention and Lifestyle Weight Management Service. It was agreed to extend this with contract variations for a further year to July 2019.

- 3.2. The move to Bi-Borough arrangements and a review of the contract in early 2018 led to the recommendation to discontinue Lot 2 on completion of the one-year extension. It was agreed that to continue the contract and extend in its current form was not a viable option.
- 3.3. During this extension period, different options were explored to ensure improved health and wellbeing outcomes. The need to deliver a more holistic approach to streamline systems and make efficiencies was evident throughout the review and in discussion with stakeholders.
- 3.4. The Tackling Childhood Obesity Programme (TCOT) came to an end in 2019 allowing us to bring together a whole systems approach to tackling obesity. This has enabled the design of a three-strand programme of organisational capacity building, health promotion services and neighbourhood projects accommodating the learning from previous projects that will form part of the wider health promotion 'Change4Life' programme.
- 3.5. The start date of the new service is planned for 1st April 2020. The core requirement of the new service is the support for overweight children identified by the statutory National Child Measurement Programme (NCMP) which measures all children in reception and year 6 in the autumn and spring terms. It is timely that the new service begins in April 2020 as it will work with children identified by the NCMP in the school summer term and throughout the summer months.

4. AIMS AND OBJECTIVES OF THE SERVICE

4.1. The Key aims of the service are to:

- increase access to healthy food in settings where children, young people and families live, learn and play
- ensure consistent messages about healthy lifestyles are promoted across all local settings
- provide incentives for local organisations and businesses to improve practice in relation to how they promote healthy eating and physical activity
- increase opportunities for children, young people and families to keep active and build physical activity into their day to day lives
- build the capacity of local organisations to introduce sustainable actions to promote children's health and well-being
- increase engagement of children, young people and families in the planning and design of activities to create healthier neighbourhoods/local environments
- contribute to local efforts to reduce childhood obesity and unequal health outcomes

4.2. Objectives of the service:

- provide settings that children, young people and families attend (including primary and secondary schools, voluntary and community organisations, early years settings, youth settings, play and leisure services and relevant businesses) with a comprehensive package of support to ensure high standards of practice in relation to the promotion of healthy eating and physical activity
- provide children, young people and families most at risk of poor health outcomes with accessible services to support healthy lifestyles with a focus on healthy eating, physical activity, oral health and sleep

- provide children and young people who are above a healthy weight with individualised support to adopt a healthier lifestyle and reduce their Body Mass Index and associated health risks
- work in partnership with local communities where children and young people are most at risk of poor health outcomes to identify and introduce bespoke sustainable actions that help create healthier local environments

5 OPTIONS AND ANALYSIS

5.1. The options following the tender evaluation are:

5.2. Option 1 - enter into a Contract with Family Action

Benefits of option 1:

- It ensures an evidence-based, locally designed, integrated service is available to promote the health and wellbeing of all children and young people with a targeted service for those who are not of a healthy weight
- Promotes integration as the service brings together in partnership existing services which promote wellbeing through physical activity and healthy eating
- Supports innovation to improve outcomes
- Supports a whole family approach and an inter-generational element which will lead to wellbeing benefits for children and their families
- Delivers cost savings as new service re-procured within a new budget

Challenges of option 1:

- None

5.3. Option 2 – do not award the contracts and not provide a service.

Benefits of option 2

- potential short-term cost saving

Challenges of option 2

- long-term impact of no service could result in higher levels of obesity and other illnesses in the future
- widening of health inequalities
- potential negative impact on schools due to reduced support services for children who are not of a healthy weight. Increased pressure on other Public Health services due to widening health inequalities

6 PROCUREMENT PROCEDURE

6.1. This procurement exercise was conducted using the Open Procedure under the Public Contract Regulations 2015. A contract notice was placed in OJEU, Contracts Finder and the capitalEsourcing portal covering the Bi-Borough.

6.2. The Invitation to Tender (ITT) documentation was made available on 22nd July 2019 and closed on 11th September 2019. 34 suppliers accessed the documents and four of these submitted a response.

6.3. Assessment of bidder tender responses were carried out within capitalEsourcing under the following envelopes.

Envelope	Assessment
Qualification	Pass/Fail questions covering the following: Compliance with the instructions set out within the ITT;

	acceptance of the Contract Terms; pass the selection criteria set out within the Selection Questionnaire (including mandatory & discretionary exclusion criteria and Financial Standing)
Technical	Scored questions covering the technical criteria & weightings set out under 6.5 A 0-5 scoring matrix was used
Commercial	Three-year contract price

- 6.4. There are no TUPE implications as this is a new service.
- 6.5. The technical envelope was evaluated by a panel made up of two Public Health representatives, one Children's commissioner, representatives from Physical Activity and Sport (PALS) from WCC, Early Help representatives from WCC the WCC Responsible Procurement Lead. Suppliers were evaluated in the following areas:

Technical Evaluation	Weighting
Service Design and Delivery	20%
Community Engagement and Outreach	8%
Physical Activity	5%
Open Access and Inclusivity	8%
Innovation	8%
Partnership approach and collaboration	8%
Prevention Balance	8%
Training and capacity building support for organisations and businesses	10%
Social Value	5%
Data Management	3%
Safeguarding	5%
Implementation Plan	12%

- 6.6. The moderation meeting was held on 30th September 2019. The outcome of this process is to recommendation that the Healthy Families, Healthy Families (Change4Life) contract be awarded to Family Action who ranked first as a result of the evaluation process.
- 6.7. Please refer to Part B for a breakdown of the overall evaluation scores and the characteristics of each bid.
- 6.8 The proposed provider has confirmed that they pay Living and London Living Wage, Health Partnership as a significant sub-contractor have also confirmed that they pay the London Living wage.

7 CONTRACT MANAGEMENT AND MOBILISATION

- 7.1. To support and facilitate the mobilisation of new service, the Council will work closely with Family Action to ensure mobilisation plans are implemented and new contract commences within the required timescales.
- 7.2. Contract management meetings will be conducted initially on a fortnightly, then progressing to monthly and then on a quarterly basis with monitoring data to be submitted in line with service and reporting requirements.

Key Performance indicators will cover the following areas:

- Training
- Change4Life nutrition award service
- Change4 Life award scheme
- Change4Life grant scheme/applications
- Start4Life Clubs
- Change4Life Mini Clubs
- Change4Life Kids Clubs
- Health promotion service for children and young people aged 11-25
- Change4Life Coaching scheme
- Health promotion outreach service in schools and community settings

8 PRIVACY IMPACT ASSESSMENT

- 8.1. Article 35 of the GDPR introduced a new mandatory requirement for organisations to identify and then assess risks to the rights and freedoms of individuals associated with any proposal to process personal data, particularly special category data. Organisations must adopt 'privacy by design' (an approach that promotes privacy and data protection compliance from the outset).
- 8.2. A Data Protection Impact Assessment (DPIA) should be carried out to minimise the data protection risks of a project whether processing is within their own organisations or where the processing is necessary to provide Council commissioned services. A DPIA will determine the level of risk identified and whether the level of risk is acceptable.
- 8.3. To comply with the above a DPIA has been completed as far as possible, focusing on the service model, requirements in the ITT process and assessment in the tender evaluation.
- 8.4. However, it should be noted that, until the contract has been awarded and the successful provider notified, the DPIA cannot be finalised and therefore all risks identified. This includes ensuring that any data held on the successful provider's system is fully compliant with GDPR and information security prior to 'go live'.
- 8.5. When all risks have either been mitigated or accepted, the final DPIA will be signed off by Public Health Information Asset Owners before this project / contract is implemented.

9 CONSULTATION

- 9.1. Extensive consultation has been undertaken and the views of service users, local communities and professionals have been used to shape the service design and development of this proposed service. The views and experiences of children, young people and families across the Bi-Borough have directly informed plans for the new services and wider Change4Life programme.
- 9.2. Learning from other key engagement projects delivered as part of the Tackling Childhood Obesity Together (TCOT programme) has also shaped plans, including a 'Great Weight Debate' consultation exercise with parents and a youth obesity 'Hackathon' event. Key messages from this work highlights the importance of providing services that are fun, non-

stigmatising, easy to access, and backed up with action to ensure the Council ‘practices what it preaches’ when it comes to helping residents to enjoy a healthy lifestyle.

- 9.3. A project board was set up including representatives from a variety of different departments across the local authorities: Family Services, Children’s Commissioning, Physical Activity Leisure and Sport Public Health colleagues, Children’s Services, Procurement, Finance and Legal. These stakeholders helped shape the model specification and outcomes and will mobilisation.
- 9.4. A Market Warming Event was held on 27th November 2018. There was high level of interest with 22 organisations in attendance. The aim was to seek the views of suppliers on the proposed bi-borough procurement of a healthy families, healthy communities service, and to provide a networking opportunity for partners who may wish form consortia and/or subcontracting arrangements. The outcome of this event contributed to the overall procurement strategy and new service specification.
- 9.5. The procurement strategy was presented and approved by the Adult Social Care Commissioning and Contracts Board in March 2019. The approval to proceed to the procurement of a Healthy Families, Healthy Communities (Change4Life) service was secured from lead Cabinet Members and key stakeholders.

10 EQUALITY IMPLICATIONS

- 10.1. There are no negative equality implications anticipated as a result of this decision. The services are available to residents of both boroughs.

11 LEGAL IMPLICATIONS

- 11.1. The recommendation under this report is to award a contract for the provision of a new Healthy Families, Healthy Communities (HFHC) ‘Change4Life’ health promotion service (“the Services”). The contract is to be awarded for a term of five (3) years with the option to extend the contract for a period of up to two (2) until 31 March 2023.
- 11.2. The contract is to be awarded to Action Family, to be entered into with Westminster City Council (WCC). The contract price for the three-year term with WCC is £1,006,095 and £680,353 for the extended period, making a total contract price of £1,686,448.
- 11.3. The contract falls within Schedule 3 - Social and Other Specific Services known as the Light Touch Regime (LTR) under the Public Contracts Regulations, 2015, as amended (the Regulations). The value of the contract (including the option for the extended term) is above the current EU threshold sum of £615,278 for services required under the LTR. Therefore, procurement of these services can be procured with significant flexibilities in accordance with Section 7 of Chapter 3 of the Regulations. However, the Council has an obligation when awarding such contracts to ensure the process adopted is fair, transparent and proportionate to the nature of the services as required by regulation 76 of the Regulations.
- 11.4. Westminster City Council
- 11.5. In accordance with section 3.18 under the Westminster Procurement Code (“the Code”) the contract award must be approved by the appropriate Cabinet Member following recommendation to approve from the appropriate Executive Director and Procurement Assurance Board (Gate 3).

- 11.6. Section 3.18.9 states that contracts with a value of over £175,000 must be signed by at least 2 authorised officers of the Council or made under the common seal attested by the Chief Executive, Director of Law or authorised solicitors in accordance with Standing Orders 47 and 56 in the Council's Constitution.
- 11.7. Once the contract has been awarded, a contract award notice must be sent to the Publications Office within thirty (30) days of the award in accordance with regulation 50 of the Regulations.
- 11.8. Legal comments supplied by Sharon Cudjoe, Senior Solicitor (Contracts), Shared Legal Services, 020 7361 2993.

12 **RISK IMPLICATIONS**

- 12.1 The risk of failing to achieve objectives of this service (paragraph 4.2 above) is mitigated by:
- The establishment of a project board, with representative from different departments across the local authority, to develop a model specification, identify outcomes and mobilisation requirements;
 - Shaping the procurement following consultation with service users, local communities and professionals;
 - Engaging with the market to develop the procurement strategy and the service specification;
 - The technical evaluation of tenders by a panel representing different departments across the local authority;
 - The development and implementation of mobilisation plans; and
 - Establishing appropriate performance indicators and contract management arrangements for the duration of the contract.
- 12.2 Risk implications completed by: Moira Mackie, Senior Audit Manager, Shared Services Audit Fraud, Risk and Insurance, Telephone 07800 513 192.

13 **SOCIAL VALUE**

- 13.1. As part of the evaluation each bidder completed a Responsible Procurement Delivery Plan (RPDP) that sets out the priority areas that WCC has identified as best able to support the Borough, its residents, businesses and communities.
- 13.2. The specification promotes social value. It requires the provider to support training for local organisations, raising the capacity and expertise of professions to support children and young people. Clients of the outreach service will be encouraged to engage positively in community activities, including volunteering and employment opportunities, and develop enhanced self-esteem.
- 13.3. The summary below provides an overview of the types of priorities the winning bidder has committed to deliver and will be monitored as part of the ongoing contract management. The RPDP is embedded in Part B for information.

- Increase local Apprenticeship opportunities in Westminster
- Create job opportunities & share with inhouse employment services in Westminster. All staff will be paid the living wage
- Start-ups across Westminster will have access to workforce training and capacity building support.
- work with their proposed sub-contractors to provide a range of training courses to improve the skills, knowledge and confidence of staff of Community and Voluntary organisations across Westminster

14 FINANCIAL IMPLICATIONS

- 14.1. For WCC, the available budget is £395,000 per year, with the annual cost of the proposal being £335,365. This will result in an annual saving of £59,635.
- 14.2. Financial implications provided by Richard Simpson, Public Health Finance Manager 020 7641 4073.

PART B

That this section of the report be exempt from disclosure on the grounds that:

- i) It contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings under paragraph 5 of Schedule 12A of the Local Government Act 1972