

Executive Decision Report

Decision maker and date of Leadership Team meeting, Lead Member meeting or (in the case of individual Lead Member decisions) the earliest date the decision will be taken	Leadership Team – 22 March Forward Plan reference: 05186/18/C/AB Portfolio: Lead Member for Communities	 THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
Report title (decision subject)	GRANTS TO VOLUNTARY ORGANISATIONS FOR CARE AND SUPPORT SERVICES	
Reporting officer	Sheila Durr, Director for Communities and People	
Key decision	Yes	
Access to information classification	Public (Part A) with Confidential/Exempt (Part B) Appendix	

1. EXECUTIVE SUMMARY

- 1.1. In order to strengthen the provision of community based universal and targeted mental health and emotional wellbeing support for adults, commissioners invited Hestia Housing and Support, and Total Family Coaching to develop proposals for expanding overnight outreach support to displaced residents in hotels. Their proposals successfully passed through a quality assurance process and have been supported in principle by the relevant Lead Members, Directors and officers.
- 1.2. The overnight counselling and emotional support service in hotels was mobilised at great pace following a Ministerial request at the Ministerial Recovery Group in September 2017. As such, this paper is seeking retrospective approval for the provision that was mobilised.
- 1.3. This report seeks approval to waive the requirement in the Royal Borough of Kensington and Chelsea's Contract Regulations to conduct a competitive exercise in accordance with regulation 2.28 which allows for a specific exemption from tendering where it has been authorised by the relevant Lead Member. Requests for an exemption under 2.10(a) must however provide sufficient evidence to allow the decision to be made.
- 1.4. This will enable the Council to directly award contracts for services, delivered by Hestia Housing and Support, and Total Family Coaching, specifically to the

displaced members of the community in hotels, between 11th September 2017 and 30th June 2018.

- 1.5. The total funding required to deliver this is outlined in Part B of this report.

2. RECOMMENDATIONS

- 2.1. That under 2.10 (a) of the Contract Regulations, the Leadership Team agrees to waive the requirement to conduct a competitive exercise and agrees to make a direct award to Hestia Housing and Support (Hestia), from 11th September 2017 to 30th June 2018.
- 2.2. That under 2.10 (a) of the Contract Regulations, the Leadership Team agrees to waive the requirement to conduct a competitive exercise and agrees to make a direct award to Total Family Coaching, from 11th September 2017 to 30th June 2018.
- 2.3. The value of payments to be directly awarded to both organisations is set out in Part B of this report.

3. REASONS FOR DECISION

- 3.1. Following on from identified needs within the community, press coverage and ministerial requests, the local authority extended the support offer available in hotels to include a full overnight counselling offer.
- 3.2. To mobilise the service, a soft informal market testing exercise was undertaken, whereby 12 organisations were urgently contacted some of whom (including Hestia and Total Family Coaching) had already commenced an overnight service in the community. The majority of the organisations contacted, including national charities, advised that they were unable to provide overnight counselling services. However, both Hestia and Total Family Coaching were two of the providers that immediately agreed to deliver the overnight service via hotels.
- 3.3. Both Hestia and Total Family Coaching are well-regarded and trusted organisations within the local community in North Kensington. Both providers have a track record of providing support to the community and responded quickly and effectively to meet the immediate presenting needs following the tragedy. Therefore, they were well placed to expand their offer of support in partnership with the local authority and the local community.
- 3.4. It is recommended that the providers of the overnight counselling services are directly awarded funding based on:
 - The need to have responded quickly and urgently to support the community and residents in temporary alternative accommodation.
 - The services were rapidly mobilised following locally identified need, press coverage and ministerial requests. The extended support offer commenced on the 11th September 2017 following an action from the Ministerial Recovery Group (MRG) meeting held on the 6th September 2017.
 - The services offered are of a high standard and are meeting on-going needs. Both outputs and outcomes of the offer have been reviewed and discussed on

- a regular basis, including at the Communities and People Board as well as being reported in various ministerial meetings, such as the MRG meeting.
- Hestia and Total Family Coaching are trusted local providers that scaled their offer quickly and effectively to support the community in North Kensington.
 - Hestia and Total Family Coaching have had good engagement and continue to build trust with the community.
- 3.5. It is recommended that, on the understanding that both providers continue to work with the local authority to review usage of the services and any emerging community feedback on a weekly basis, they should be awarded the funding as set out in Part B. Additionally, Hestia and Total Family Coaching, will proactively engage in any process relating to service redesign, if this becomes necessary.
- 3.6. A key decision is required in accordance with the Constitution so the overnight services provided in hotels can be fully funded.

4. BACKGROUND

- 4.1. In response to the Grenfell Tower tragedy, the local authority in partnership with other key stakeholders commissioned services that would strengthen the community based universal and targeted offer of mental health and emotional wellbeing support for adults, children and young people.
- 4.2. Following a widespread request from members of the community and government ministers a range of overnight emotional support provision was mobilised, this can be split as follows:
- 4.2.1. Community based overnight support – initially this was delivered via the ‘listening bus.’ More recently, Hestia have been working in partnership with CNWL and the Substance Misuse Service to deliver community based overnight support via Notting Hill Methodist Church. The cost of delivering this service is included within the existing contracts awarded to these providers.
- 4.2.2. Hotel based overnight support – last summer some overnight counselling provision was mobilised in the hotels displaced residents were placed in. Initially, this was delivered by the Samaritans and consisted on one evening per week in a limited number of hotels. In September 2017, a Ministerial action from MRG requested that overnight emotional support and counselling at the hotels be expanded to run seven nights per week. As detailed later in this report, soft market research with national providers revealed that few were in a position to respond to this level of service delivery. Hestia and Total Family Coaching agreed to deliver this service.
- 4.3. Hestia is a well-established community mental health support provider already commissioned by the Royal Borough to provide integrated mental health services to vulnerable adults and families through two community hubs and outreach services.
- 4.4. Total Family Coaching is also a well-established community based organisation, providing multi-lingual psychosocial support to individuals and groups, through

both practical and therapeutic approaches. They are experienced in working with children, young people, and families in a variety of settings.

- 4.5. Immediately after and since the Grenfell Tower tragedy, both organisations strengthened their universal and targeted offer by increasing their outreach and intervention capacity to support those who have been affected. In the first instance, this was delivered based on internal resources and goodwill, without any additional funding. We have since entered into a contract with Hestia to continue their community based delivery (which included the community based overnight support).

5. PROPOSAL AND ISSUES

- 5.1. In the first instance following a ministerial action at the MRG meeting on the 6th September, overnight counselling services were mobilised for a two-week period; 11th September to 24th September 2017.
- 5.2. Following this, Hestia and Total Family Coaching were asked to develop proposals for expanding the overnight mental health and emotional wellbeing support offer into 11 hotels with the agreement that the impact of the offer would be reviewed on a weekly basis with the local authority.

Hestia:

- 5.3. In delivering the overnight counselling services, two of Hestia's counsellors were present in each of the hotels for seven days per week between 8pm - 3am.
- 5.4. In the first instance, Hestia counsellors operated out of 11 hotels due to capacity constraints and lack of appropriate facility at some of the hotels. The 11 hotels were selected based on the number of families and facilities available at the hotel. However, for residents in nearby hotels, Hestia used a cluster model approach where pairs of Hestia counsellors proactively engaged with residents from nearby hotels who could drop-in or call to book an appointment.
- 5.5. The outcome of Hestia's service offer showed increasing engagement with residents over the two weeks. A total of 147 contacts were reported of which 100 were new contacts.
- 5.6. At the end of the two-week pilot, the impact of the service was evaluated at the Communities and People Board as well as at the MRG meeting held on the 27th September. Following these meetings, it was agreed that the overnight counselling services would continue for an additional 3 months (Phase 1).
- 5.7. As part of the long-term offer, Hestia were to continue to deliver services out of the same 11 hotels as during the pilot and through a similar cluster model. Counsellors continued to operate in pairs and were present at the hotels from 8pm to 3am every day.

Total Family Coaching

- 5.8. In the first instance, the overnight listening service by Total Family Coaching was provided in three hotels between 8pm and 3am, daily, both inside and outside of

the Borough (dependent on the location of the hotels in which people were placed). The majority of residents accessing the service were of black, minority and ethnic backgrounds and used the service, either in person or by telephone in their mother tongue.

- 5.9. The service offer was reviewed on a weekly basis with the local authority. In addition, outcomes were reviewed weekly at the Communities and People Board as well as reported in ministerial briefings.
- 5.10. The impact of Total Family Coaching's service offer showed increasing engagement with residents over the first two weeks. A total of 40 residents accessed the service, of which 14 engaged on a regular basis.
- 5.11. As with Hestia, at the end of the two-week pilot, the impact of the service was evaluated at the Communities and People Board as well as the MRG meeting held on the 27th September. Following these meetings, it was agreed that the overnight counselling services would continue for an additional three months.

Outcome of the long-term counselling offer

- 5.12. Over the three months the service offer was reviewed on a weekly basis. At the start of the long-term offer Hestia, Total Family Coaching and the local authority agreed a weekly reporting process.
- 5.13. Following additional support that was provided to families over the winter holiday period, and an expected rise in demand for the services to address practical and psychological issues, surrounding planned moves from the hotels into new accommodation, a decision was taken to extend the offer from January 2018 to June 2018 (Phase 2).

Scaling Down the Hotel Counselling Services

- 5.14. Throughout Phase 1, weekly meetings were held with Hestia and Total Family Coaching to review impact and ongoing need. At the start of Phase 2, both providers reported that, having achieved its goals of identifying people who were struggling to sleep and referring them into daytime services, the usage of the services dropped off, in particular for Hestia, who considered that the Phase 1 model had come to a natural conclusion. Hestia felt that their resources could be better allocated elsewhere to meet other emerging needs.
- 5.15. From January 2018, Hestia remodelled their overnight offer, acknowledging that many residents had been transferred for counselling during the daytime with their service for the NHS. Attendance is currently sporadic, but with encouragement they believe engagement will continue to improve. A key task has been to help residents explore and address barriers to their engagement with services. In line with this, Hestia has scaled down their offer, reducing from counsellors based in seven hotels to providing support out of four hotels with just four pairs of counsellors each evening.
- 5.16. The service now provides a mixture of face to face counselling and telephone support to residents in other hotels. Counsellors are available to travel to provide

support by appointment at satellite hotels or residents are encouraged to travel, if willing, to the core hotels.

- 5.17 For the time being, Total Family Coaching are continuing to deliver their service as outlined in section 5.9 above. Negotiations will be held with the provider as the service is remodelled to meet changing needs.

6. OPTIONS AND ANALYSIS

- 6.1. In this instance, the only option available is to fund both Hestia and Total Family Coaching for the services delivered.

- 6.2. It is recommended that the funding is awarded as outlined below:

- There is an on-going requirement to respond quickly to address unmet support needs of the community.
- The overnight support proposal has been reviewed and quality assured by Directors, Lead Members and officers.
- Hestia and Total Family Coaching are trusted local providers who scaled up their offer of support quickly and effectively.

- 6.3. It is recommended that as part of the agreement with both organisations that they will work with the local authority over the course of the service to review usage of the service and emerging community feedback. They will also be required to engage in a process of service redesign, if it becomes evident that this is necessary.

- 6.4. This process has commenced with both providers and the Central North West London NHS Hospital Trust, being asked to develop new alternative cost effective model to continue to deliver out-of-hours and overnight support, which builds upon support that is available during the day.

- 6.5. In line with this, the intention is to fully engage with communities to transition both the current community based and current hotel based overnight support offers into sustainable models that continue to meet the need of those affected. Hestia are leading on this and will invite a community organisation to support the consultation process with key members of the community and those being rehoused.

7. CONSULTATION

- 7.1. Local community groups have been consulted previously and, as stated above, will continue to be engaged with regarding the support that is required to meet needs in North Kensington and the appropriateness / effectiveness of what is on offer.

- 7.2. Colleagues from the NHS have been involved in all discussions around the expanded overnight counselling offer and how this will be a component part of our jointly agreed multi-agency therapeutic pathway.

- 7.3. Directors, Lead Members from across Communities, Children's Services and Adult Social Care, have been consulted regarding this proposal and are supportive of it.

8. EQUALITY IMPLICATIONS

- 8.1. The proposal will help ensure the communities of North Kensington are better supported, which will have a positive impact on equalities.

9. LEGAL IMPLICATIONS

- 9.1. This report seeks ratification of the direct award of two contracts for the provision of mental health support services respectively to Hestia Housing and Support (company no. 02020165) and to Total Family Coaching Ltd (company no. 10029502) for the period commencing on 11 September 2017 and ending on 30 June 2018. Such contracts fall within Social and Other Specific Services under the Public Contracts Regulations 2015 (the “Regulations”).
- 9.2. At the time at which the services commenced in September 2017, the relevant procurement threshold for these services (above which the contract(s) would require advertising in accordance with the Light-Touch Regime within the Regulations) was £615,278 (the “Threshold”). Although each contract’s value respectively falls below this the Threshold, together the combined value of the contracts (which are for the same or substantially similar services) exceeds the Threshold. To the extent that both contracts are for the provision of overnight counselling support for displaced members of the local community following the Grenfell Tower tragedy, it could be argued that the two contracts are for a single, above Threshold requirement; however, the risk of Regulation 6(6) having been contravened is considered low on the basis that the rule against subdivision shall not apply where “*justified by objective reasons*”. In this case, the two contracts were awarded pursuant to ministerial request to enable the swift implementation of mental health support for affected residents and it is understood that no alternative providers responded to the Council’s initial request for proposals within the initial timeframe. Any risk is further mitigated by the fact that the contracts in question are short in their duration and will expire in June 2018.
- 9.3. If the Council has not already done so, it must, within a reasonable time, publish on Contracts Finder at least the information set out in Regulation 112(1) of the Regulations.
- 9.4. The Council’s internal contract regulations require advertisement in OJEU where required or notice to be published on the capitalSourcing opportunities notice board and on Contracts Finder. This report requests waivers from the relevant Lead Member of these requirements under internal contract regulation 2.10(a). Sufficient evidence must be presented to the Lead Member to allow the decision regarding the waiver to be made.
- 9.5. The contract awards are Key Decisions and require approval by the relevant Lead Member.
- 9.6. As each contract’s value exceeds £100,000, the written contract must be executed under seal in accordance with internal regulation 2.23(d).
- 9.7. Legal implications by Raj Shah (Solicitor seconded to Tri-Borough Shared Legal Services) on 15 March 2018 – raj.shah@rbkc.gov.uk.

10. PROCUREMENT IMPLICATIONS

- 10.1 This report seeks approval to waive the requirement of the Contract Regulations to obtain tenders or quotations in accordance with regulation 2.10 (a) which allows for a specific exemption from tendering where it has been authorised by the relevant Lead Member. Requests for an exemption under 2.10(a) must however provide sufficient evidence to allow the decision to be made. It is considered sufficient evidence has been provided to allow the decision to be made.
- 10.2 A waiver of the Contract Regulations cannot be approved if it would result in the council failing to comply with its duties under UK and European procurement law (as listed in Contract Regulation 2.04 (a)), including the Public Contract Regulations 2015. As the value of the proposed direct awards, please refer to Part B of the report for detail, does not exceed the threshold of £615,278 for these type of services (PCR 2015 Schedule 3 – Social and Other Specific Service) the approval of a waiver would not breach any statutory measures the council is subject to.
- 10.3 It is felt that the recommended contract terms will allow officers a suitable and sufficient length of time to undertake a review of services, which in turn will inform future commissioning intentions.
- 10.4 Ensuring that services are governed by appropriate contractual arrangements are critical to reducing compliance risk. As such the recommendation to award two contracts to the two incumbent service providers is endorsed.
- 10.5 If a waiver is approved the decision to award the contracts, based on their value, is a Key Decision and must be made by the Lead Member.
- 10.6 Procurement Implications by: Andrew Lee, Head of Strategic Procurement – andrew.lee@rbkc.gov.uk

11. FINANCIAL AND RESOURCES IMPLICATIONS

- 11.1. The value of the contract is outlined in Part B of this report. The cost will be charged initially against the Council's Grenfell account code and monitored via the Grenfell Expenditure Tracker.
- 11.2. The Grenfell tragedy has required the Council to take a number of actions that are outside its normal business activities. Often these require flexibility and departure from normal protocols and procedures. However, the Council retains a fiduciary duty to taxpayers to ensure that public funds are used appropriately and in a way that represents value for money. In this instance, the Council has a clear duty to ensure that there is sufficient high-quality and culturally appropriate universal and targeted mental health and emotional well-being support as the full extent of needs in North Kensington are established.
- 11.3. The contracts in this case arise from the decisions of others, in this case the MRG, which effectively directed the Council to provide this service. The soft market testing identified the lack of alternative suppliers. The end result is a

decision that the Council cannot avoid taking, but which is an appropriate use of public funds and in the circumstances likely to represent value for money.

- 11.4. Financial and Resources Implications by: Francis Austin, Head of Finance for Grenfell – francis.austin@rbkc.gov.uk

Sheila Durr

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