

Meeting: Cabinet **Date:** 15th November 2022

Wards affected: All

Report Title: Healthy Behaviours Service contract award proposal

When does the decision need to be implemented? The provider needs to be notified of intention to award before the end of November 2022 to ensure sufficient implementation time for contract go-live on 1st April 2023.

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1. Purpose of Report

- 1.1 The current Torbay Healthy Behaviours (Lifestyles) contract, delivered by Torbay & South Devon NHS Foundation Trust is due to end on the 31st March 2023. In accordance with Public Contract Regulations 2015, we have undertaken an open market procurement for the new contract. The contract will commence on 1st April 2023 and the term will be 3 years, plus a 1-year optional extension.
- 1.2 The highest scoring bidder at completion of the tender evaluation process is set out in Exempt Appendix 1, and therefore the recommendation is that Torbay Council award the Healthy Behaviours Service contract as set out in Exempt Appendix 2.
- 1.3 The successful bidder will deliver adult weight management, smoking cessation, health coaching including delivery of very brief advice on alcohol consumption, physical activity, emotional health and wellbeing and oral health, and delivery of Making Every Contact Count (MECC) and Connect 5 training in Torbay under this contract. The Services will continue to be available to all Torbay residents (aged 18+), and there will be increased efforts made to support population groups within Torbay who experience health inequalities.

2. Reason for Proposal and its benefits

- 2.1 The proposals in this report help us to deliver against the Corporate Plan by reducing levels of deprivation in the Bay, supporting healthy, physically active lives for all, promoting good mental and physical health, reducing the occurrence of preventable illnesses, and reducing reliance on addictive substances.

3. Recommendation(s) / Proposed Decision

1. That the preferred supplier be awarded the Healthy Behaviour Services contract for a period of 3 years, plus a 1-year optional extension, commencing on 1 April 2023, as set out in Exempt Appendix 2.

Appendices

Appendix 1: Tender Evaluation Scores (Exempt)

Appendix 2: Preferred Supplier (Exempt)

Background Documents

Healthy Lifestyles - Torbay and South Devon NHS Foundation Trust

1. Introduction

- 1.1 Torbay Council has statutory responsibility under the Health and Social Care Act 2012 for improving the health of their local population and for provision of public health services.
- 1.2 In Torbay, we have commissioned Torbay and South Devon NHS Foundation Trust to deliver the Torbay Healthy Behaviours (Lifestyles) contract since 2012. This contract comprises delivery of adult weight management, health coaching including delivery of very brief advice on alcohol consumption, physical activity, emotional health and wellbeing and oral health, and delivery of Making Every Contact Count (MECC) and Connect 5 training
- 1.3 In accordance with the Public Contract Regulations 2015 we have undertaken an open market procurement for the new Healthy Behaviours Service contract which will commence on 1st of April 2023 when the current contract ends (31st March 2023).
- 1.4 The result of the tender evaluation process was the highest scoring bidder as set out in exempt Appendix 1, and therefore they are the preferred provider to deliver the new contract.
- 1.5 All tender submissions received were evaluated through the Most Economically Advantageous Tender (MEAT) criteria which was based on 70% quality, 20% price and 10% Social Value.
- 1.6 All the services listed above (in point 1.2) will continue to be delivered under the new contract and will continue to be available to all Torbay residents (aged 18+). In addition, delivery under the new contract requires increased efforts and approaches to support population groups within Torbay who experience health inequalities and where higher rates of smoking and excess weight exist, specifically:
 - Pregnant people
 - People with learning disabilities
 - People with poor mental health
 - The deprived population / those in lower income groups
 - Working aged people, particularly those in manual occupations
- 1.7 The contract will be funded through the Public Health ring-fenced grant and has been built into the base budget for the contract term (1st April 2023 – 31st March 2026, with optional extension to 31st March 2027 at mutual agreement between the Council and the provider).

2. Options under consideration

- 2.1 Prior to progressing with an open market procurement, an options appraisal was conducted. It was determined through this that decommissioning the services would be detrimental to the health of Torbay residents and that in-housing the services would not make best use of resources and expertise within the market. Therefore, a procurement process was pursued.
- 2.2 The Council retains the right not to award the contract following the tender evaluation process. The disadvantages of this decision would be that the Council would be required to either in-house or decommission the services under the existing contract before 1st April 2023. As identified before the procurement was undertaken, neither of these options were considered advantageous or favourable.
- 2.3 The tender evaluation process provided evidence and assurance of ability in the market to deliver (please refer to Exempt Appendix 1). Therefore, there are not perceived to be any advantages to the Council of taking this decision over the recommendation made.

3. Financial Opportunities and Implications

- 3.1 The contract will be funded through the Public Health ring-fenced grant and has been built into the base budget for the contract term (1st April 2023 – 31st March 2026, with optional extension to 31st March 2027 at mutual agreement between the Council and the provider).
- 3.2 Under the proposed contract award, the Council will be committing to 3-year expenditure the cost of which is set out in Exempt Appendix 2 for this contract.

4. Legal Implications

- 4.1 Through the tender process conducted, the Council has met its legal duty under the Public Contract Regulations (2015) for transparency and competition in the open market.
- 4.2 The procurement and award of the contract for these services enables the Council to meet its Public Health responsibilities under the Health and Social Care Act 2012.
- 4.3 The Council has fulfilled its obligations under the Transfer of Undertaking (Protection of Employment) [TUPE] Regulations 2006 by making interested bidders' aware that TUPE may apply and by making available information about the staff employed under the current contract to inform their tender submissions.

5. Engagement and Consultation

- 5.1 A Health Needs Assessment was undertaken by Public Health as part of the pre-procurement activity. The views of people who had used the service – both members of the public and

professionals were captured in relation to their experience and areas for improvement. These were included within the service specification development for the new contract.

- 5.2 Potential bidders and key stakeholders were also consulted with through two market engagement events as part of the pre-procurement activity. These events enabled us to share our aspirations for this contract and gain feedback to ensure the skills and expertise in the market to deliver for Torbay.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 Every bidder was required to make a Social Value submission as part of their overall tender submission. The Torbay TOMs Framework was used, and bidders were required to set out their Social Value offer against all 41 measures of the Master Set and therefore covers measures associated with all 5 of the Council's Strategic Priorities. 10% of the overall tender score was attributed to Social Value.
- 6.2 If the recommendation for contract award is agreed, the preferred supplier will be required to complete quarterly Social Value returns which will make up part of contract monitoring to ensure that their commitments are fulfilled.

7. Tackling Climate Change

- 7.1 The specification for this Contract sets out the Council's declared climate emergency, and the expectation of its providers with respect to tackling climate change, including the requirement for the provider to have an environmental policy and can ensure their environmental impact is measured and reported regularly.
- 7.2 The preferred supplier has within their submission committed that they can and will comply with these requirements. Review of their environmental policy will be undertaken as part of the due diligence process initiated when contract award notification is issued. The preferred supplier's environmental impact will be measured and monitored through the Social Value returns which will be completed as part of contract monitoring.

8. Associated Risks

- 8.1 If the recommendation is not approved, there will be risks to continued service delivery either because of needing to decommission or in-house the services under the current contract. If decommissioning, this will leave residents in Torbay with limited access to weight management, smoking cessation, and health coaching services. This would also pose risk of redundancy to the existing workforce, potentially resulting in skilled professionals leaving the local workforce. If in-housing, this will require added resource and capacity from the Council to ensure transition of service can be completed before contract go-live date of the 1st April 2023. This could risk delay in service commencement.

- 8.2 If the recommendation is approved, there are some continuity risks to the integrated pathway for adult weight management. Structure Diabetes Education Programme, tier 3 and tier 4 services will remain the provision of Torbay and South Devon NHS Foundation Trust under the commissioning of the Integrated Care Board (ICB) and tier 2 will be delivered by the preferred supplier. Determining how the pathway will remain integrated will be a priority area within the transition plan.
- 8.3 If the recommendation is approved, there could also be some continuity risks to the pathways between the local stop smoking service and the emerging Treating Tobacco Dependence (TTD) offer as set out in the NHS long term plan. The TTD offer will remain the provision of Torbay and South Devon NHS Foundation Trust under NHS England and the local stop smoking service will be delivered by the preferred supplier. Determining how the pathways will remain integrated will be a priority area within the transition plan.

9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	The Service will as part of their initial assessment of adults referred seek to understand their domestic and family context. This will allow for identification of children and adolescents who may be at greater risks of developing health problems associated with excess weight and/or smoking. This will support closer working with children's services to support the whole family.	None identified.	There is no change to the criteria or scope of the service that will impact older people.
People with caring Responsibilities	The Service will be delivered at times of day which support those with caring responsibilities to receive contact and support.	None identified.	None identified.
People with a disability	The Service will refocus and prioritise engaging with adults with disabilities both directly and in collaboration with organisations already involved in their care and support. Specific, tailored	None identified.	None identified.

	interventions will be developed to support adults with disabilities.		
Women or men	The Service will be delivered at times of day which support men and women to receive contact and support outside of work and/or caring responsibilities.	None identified.	None identified.
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)	Service design and delivery should be more flexible under the proposed changes meaning that any differing engagement, access and support needs based on ethnic background can be more easily accounted and adapted for.	None identified.	None identified.
Religion or belief (including lack of belief)	Service design and delivery should be more flexible under the proposed changes meaning that any differing engagement, access and support needs based on religion or belief can be more easily accounted and adapted for.	None identified.	None identified.
People who are lesbian, gay or bisexual	Service design and delivery should be more flexible under the proposed changes meaning that any differing engagement, access and support needs based on sexuality can be more easily accounted and adapted for.	None identified.	None identified.
People who are transgendered	Service design and delivery should be more flexible under the proposed changes meaning that any differing engagement, access and support needs based on gender identity and/or transition can be more easily accounted and adapted for.	None identified.	None identified.

People who are in a marriage or civil partnership	The services will continue to support positive relationships.	None identified.	None identified.
Women who are pregnant / on maternity leave	The Service will refocus and prioritise engaging with pregnant people both directly and in collaboration with organisations already involved in their care and support. Specific, tailored interventions will be developed to support pregnant people.	None identified.	None identified.
Socio-economic impacts (Including impact on child poverty issues and deprivation)	The Service will refocus and prioritise engaging with those living in areas of deprivation both directly and in collaboration with organisations already involved in their care and support. Specific, tailored interventions will be developed to support those experiencing deprivation through focussing on the wider determinants of health.	None identified.	None identified.
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	The proposal should positively impact the general physical & mental health of the Torbay residents. By operating to proportionate universalism, the service will be available to all, but will prioritise and target those groups where health inequalities are greatest.	None identified.	None identified.

10. Cumulative Council Impact

10.1 None.

11. Cumulative Community Impacts

11.1 The ICB commissions Torbay and South Devon NHS Foundation Trust to deliver the Diabetes Structured Education Programme. The Trainers who deliver this Programme are

also the Trainers who are employed by the current Healthy Behaviours (Lifestyles) Service. It is not envisaged that the recommendation will negatively impact this situation as Trainers have separate employment arrangements for their delivery across these different contracts.