

From: Clair Bell, Cabinet Member for Adult Social Care and Public Health
Richard Smith, Corporate Director Adult Social Care and Health

To: Adult Social Care Cabinet Committee – 1 December 2021

Subject: **PEOPLE’S VOICE CONTRACT (INCLUDING HEALTHWATCH KENT)**

Key decision no: 21/00103

Classification: Unrestricted

Past Pathway of report: N/A

Future Pathway of report: Cabinet Member decision

Electoral Division: All

Summary: Kent County Council has a statutory duty to commission a local Healthwatch organisation to carry out the eight statutory activities laid out in the Health and Social Care Act 2012 and the Local Government and Public Involvement in Health Act 2007, in an objectively reasonable way. The current contract commenced in April 2015 with an initial five-year period. The contract has expanded to include funding from the Kent and Medway Clinical Commissioning Group through that time and has been extended a number of times. The current contract will expire automatically on the 31 March 2022. It was extended using Procurement regulations during the COVID19 pandemic.

To allow a procurement process to take place a further short contract is required for six months (from 1 April 2022 to 30 September 2022). It is proposed to also have a three-month notice period, should the procurement conclude in such times that allows a transition to the new contract.

Recommendation(s): The Adult Social Care Cabinet Committee is asked to **CONSIDER** and **ENDORSE** or make **RECOMMENDATIONS** to the Cabinet Member for Adult Social Care and Public Health on the proposed decision (attached as Appendix A) to:

- a) **APPROVE** procurement of a new People’s Voice Contract, which includes the delivery of Healthwatch Kent, for a maximum of five years (three years plus two single year extensions);
- b) **APPROVE** a direct award contract, to the current provider (EK360), for a maximum of six months (1 April 2022 to 30 September 2022) to allow procurement to progress; and
- c) **DELEGATE** authority to the Corporate Director Adult Social Care and Health to take relevant actions, including but not limited to finalising the terms of the contract modification or other legal agreements, as necessary to implement the decision.

1. Introduction

- 1.1 **Healthwatch** is an independent champion for people who use health and social care. Their statutory role is to find out what people want from health and care and share these views with those running services to help make them better.
- 1.2 **Healthwatch England** play a vital role in helping NHS England understand where the public think any extra money should be spent.
- 1.3 **Kent Local Healthwatch** service provides people with information and advice about local services and support groups.
- 1.4 The Provider create opportunities so that people are empowered to become actively involved in service improvement. They do this by understanding peoples' experiences and what matters most to them.
- 1.5 They create innovative and transparent methods to ensure they reach out to people where they are in the community, for example living at home, in residential/nursing care homes, in supported living or in a hospital setting.
- 1.6 **People's Voice** - The Provider develops effective working relationships with the Older People and Mental Health User Forums and learn from operational and financial structures, priorities and concerns. They have developed outreach programmes to establish forums in areas which were not traditionally well represented, to ensure the optimum views of older people and people who are experiencing mental illness are considered.
- 1.7 The purpose of this report is to seek endorsement to extend the current contract (including the non-statutory People's Voice) until 30 September 2022 while a full tender and re-procurement of the full service is undertaken.
- 1.8 The aim of this service is to promote and empower Kent citizens to have a voice in influencing, developing and shaping health and care services in Kent and to provide information and advice as appropriate (in collaboration with other services). Giving people a greater say in relation to how health and care services operate is a key component of the reforms introduced as part of the Health and Social Care Act 2012.
- 1.9 The current provider of Kent Local Healthwatch is EK360. EK360 are engagement experts, who help organisations to hear from particular communities. They also provide the local Healthwatch Service in Medway.
- 1.10 The statutory service is funded by the Department of Health and Social Care (DHSC) and Kent County Council (KCC) has a statutory duty to commission a local Healthwatch service.
- 1.11 The various User Forums that are commissioned under this contract are non-statutory but are considered a supplementary model that aids engagement, involvement and the sharing of information and amplification of "The People's Voice".

- 1.12 The People's Voice service is jointly funded by KCC and the Kent and Medway Clinical Commissioning Group (KMCCG) to support a joined-up approach for seeking views from people across the county.
- 1.13 There is agreement from the KMCCG to continue funding the activity through to end March 2023 through a Section 256 agreement. KCC is currently seeking assurances that the agreement will continue beyond that date.
- 1.14 EK360 have met the requirements of the contract. They have also worked with the council during 2020 to provide additional support during the COVID-19 pandemic.
- 1.15 There is a need to undertake a formal tender to allow other potential providers to express an interest in providing this service, although research shows the market is limited.
- 1.16 Consideration was given to jointly commission with Medway Council however contract lifespans do not align. It would require permission to extend the current contract to end of December 2022. The current contract end date with EK360 is 31 March 2022.
- 1.17 A further six-month contract (1 April 2022 to 30 September 2022) is required to allow for the timescale of a full procurement process.
- 1.18 This contract has not been competitively tendered since it was first awarded in 2015. This is the first opportunity to test the market since that time.

2. Financial Implications

- 2.1 The total budget of the People's Voice contract is made up from various sources:

Government Grant (for Statutory Healthwatch Service)	£363,000
Adult Social Care	£345,700
Kent and Medway Clinical Commissioning Group	£78,129
Annual Contract Value	£786,829
Proposed Adult Social Care Cost Reduction	£34,570
New Annual Contract Value (pending Kent and Medway Clinical Commissioning Group) continuing to contribute beyond April 2023	£752,259

- 2.2 The contract value for the new procurement will be a maximum of £3,761,295 (a five-year contract term – three years plus two single year extensions).
- 2.3 The financial implications for the short contract extension 1 April 2022 to 30 September 2022 are £393,414.

2.4 Healthwatch Kent is the biggest local Healthwatch in terms of population served, and therefore has the largest local authority funding envelope, but as a per capita spend, we are in the lowest 10% of the national range.

3. Legal Implications

3.1 The provision of Healthwatch Kent is a statutory responsibility of the council.

3.2 The direct award of a short contract of six months is in line with PCR Regulation 32 (2) (c). Direct award due to urgency related to the ongoing impact of the COVID-19 pandemic and the inability to complete appropriate engagement with Kent residents and the Provider Market.

4. Equalities Implications

4.1 An Equality Impact Assessment was undertaken as part of the original tender process and will be refreshed as part of the extension. A copy is available on request.

5. Data Protection Implications

5.1 A DPIA has been completed.

6. Conclusions

6.1 The statutory service is funded by the DHSC (£363,000). KCC has a statutory duty to commission this.

6.2 The People's Voice Service is jointly funded by the KMCCG (£345,700 and £78,129 respectively). Permission is requested to commission this service again under the new contract.

6.3 There is a proposed cost saving of £34,570 (10% of the current Adult Social Care contribution) for the new contract.

6.4 The current contract will automatically expire on 31 March 2022. Approval is sought to direct award a further six-month contract (from 1 April 2022 to 30 September 2022) to allow for the timescale of a full tender procurement process.

7. Recommendations

7.1 Recommendations: The Adult Social Care Cabinet Committee is asked to **CONSIDER** and **ENDORSE** or make **RECOMMENDATIONS** to the Cabinet Member for Adult Social Care and Public Health on the proposed decision (attached as Appendix A) to:

- a) **APPROVE** procurement of a new People's Voice Contract, which includes the delivery of Healthwatch Kent, for a maximum of five years (three years plus two single year extensions);
- b) **APPROVE** a direct award contract, to the current provider (EK360), for a maximum of six months (1 April 2022 to 30 September 2022) to allow procurement to progress; and
- c) **DELEGATE** authority to the Corporate Director Adult Social Care and Health to take relevant actions, including but not limited to finalising the terms of the contract modification or other legal agreements, as necessary to implement the decision

8. Background Documents

None

9. Report Author

Simon Mitchell
Senior Commissioning Manager
03000 417156
simon.mitchell@kent.gov.uk

Relevant Director

Richard Smith
Corporate Director Adult Social Care and Health
03000 416838
Richard.Smith3@kent.gov.uk