

Report Title

Healthwatch Procurement

Date of meeting:	5 December 2024		
Report to:	Cabinet		
Report of:	Executive Director - Adult Social Care, Health and Wellbeing / Cheshire & Merseyside ICB Place Director		
Portfolio:	Cabinet Member - Adult Social Care and Health and Deputy Leader		
Wards affected:	All		
Is this a key decision:	Yes	Included in Forward Plan:	Yes
Exempt/confidential report:	No		

Summary:

To seek approval to commence a procurement exercise for the provision of Healthwatch services.

Recommendation(s):

Cabinet is recommended to approve and note the following:

- (1) Approval to commence a procurement exercise to establish a new contract post 31st March 2025 for the provision of Healthwatch services.
- (2) Approve delegation of decisions for Healthwatch services procurement exercise to the Executive Director - Adult Social Care, Health and Wellbeing / Cheshire & Merseyside ICB Place Director, in consultation with the Adult Social Care & Health Cabinet Member
- (3) That decisions on the commissioning / procurement model, tender evaluation criteria, contract terms and conditions, and service specification to be applied to the procurement exercises, be delegated to the Executive Director - Adult Social Care, Health and Wellbeing / Cheshire & Merseyside ICB Place Director, in consultation with the Cabinet Members for Adult Social Care & Health, on the basis the contract can be contained within existing and approved budget provision for such services.
- (4) The contract to be awarded for an initial contract term of three years with the option

to further extend for a period of up to two years, (either as a single extension or via two separate twelve-month extensions) subject to satisfactory performance and demonstration of value for money of the successful supplier, and the required budget being available, and that decisions on the awarding of the contracts, and any permitted extensions thereof, be delegated to the Executive Director - Adult Social Care, Health and Wellbeing / Cheshire & Merseyside ICB Place Director, in consultation with Cabinet Member for Adult Social Care & Health and Deputy Leader.

- (5) Should it be identified during the contractual period that the contract needs to be amended to reflect factors such as increases in demand for Healthwatch services or changes in national funding arrangements, then delegated authority be given to the Executive Director - Adult Social Care, Health and Wellbeing / Cheshire & Merseyside ICB Place Director, in consultation with the Cabinet Member for Adult Social Care & Health and deputy Leader to approve any such variations, under the proviso that they fall within the associated delegated authority and are in line with the applicable procurement regulations and the cost can be met from within the services budget.
- (6) Authorise the Executive Director - Adult Social Care, Health and Wellbeing / Cheshire & Merseyside ICB Place Director, in consultation with Cabinet Member for Adult Social Care & Health to authorise and implement a maximum six-month extension to the current Adult Social Care commissioned Healthwatch service contract, in order to ensure that a compliant procurement exercise can be conducted, to ensure that Healthwatch services continue to be delivered and to also ensure that sufficient notice period is given to the current Provider so that wider principles such as those within the *New Realities* agreement are met.

1. The Rationale and Evidence for the Recommendations

- 1.1. Healthwatch was established under the Health and Social Care Act 2014 to understand the needs, experiences and concerns of people who use health and social care services, and to speak out on their behalf. They are a statutory committee of the independent regulator the Care Quality Commission (CQC). Within the Health and Social Care Act 2014 (Section 182), a duty was imposed on the Council to make contractual arrangements for a local Healthwatch organisation.
- 1.2. Every local authority has a duty to make provisions for the delivery of Healthwatch statutory activity in their local area, their main statutory functions are to:
 - Obtain the views of people about their needs and experience of local health and social care services. Local Healthwatch make these views known to those involved in the commissioning and scrutiny of care services.
 - Make reports and make recommendations about how those services could or should be improved.
 - Promote and support the involvement of people in the monitoring, commissioning and provision of local health and social care services.
 - Provide information and advice to the public about accessing health and social care services and the options available to them.

- Make the views and experiences of people known to Healthwatch England, helping us to carry out our role as national champion.
 - Make recommendations to Healthwatch England to advise the CQC to carry out special reviews or investigations into areas of concern.
- 1.3 Current contractual arrangements will end on the 31st of March 2025, following a 3-year contracting period (2 years + 1). The previous contract holder was Healthwatch Sefton, a company of Sefton Council for Voluntary Service (CVS) and is company registered as a Company Limited by Guarantee.
- 1.4 As a result of the above, there is a need to seek approval to commence a procurement exercise to establish a new contractual arrangement post April 2025 for the provision of Healthwatch services.
- 1.5 This is to ensure that Sefton meets its statutory obligation to commission a Healthwatch Service and ensuring that Sefton residents have an organisation with the primary purpose to gather and make known their voices on the health and social care services.

Future Procurement Exercise

- 1.6 For any procurement exercise it will be an open exercise led by Adult Social Care, and it is proposed that decisions on the commissioning, and tender evaluation criteria, together with the agreed, contract terms and conditions, and service specification to be applied to the procurement exercise, be delegated to the Executive Director - Adult Social Care, Health and Wellbeing / Cheshire & Merseyside ICB Place Director, in consultation with the Cabinet Member – Adult Social Care & Health, on the basis that they can be contained within existing and approved budget provision for such services. The final procurement approach will be developed with, and approved by the Council's Procurement and Legal Teams
- 1.7 A new service specification will be developed in partnership to ensure that it reflects key priorities for Adult Social Care the ICB and the population of Sefton.
- 1.8 For any contract awarded it is proposed that they are entered into for an initial contract term of three years with the option to further extend for a period of up to two years, (either as a single extension or via two separate twelve-month extensions) subject to satisfactory performance and demonstration of value for money of the successful supplier and the required budget being available, and that decisions on the awarding of the contracts, and any permitted extensions thereof, are delegated to the Executive Director - Adult Social Care, Health and Wellbeing / Cheshire & Merseyside ICB Place Director, in consultation with the Cabinet Member for Adult Social Care & Health.
- 1.9 It is proposed that should it be identified during the contractual period that the contract needs to be amended to reflect factors such as increases in demand for Healthwatch services or changes in national funding arrangements, then delegated authority be given to the Executive Director - Adult Social Care, Health and Wellbeing / Cheshire & Merseyside ICB Place Director, in consultation with the Cabinet Member for Adult Social Care & Health and deputy Leader to approve any such variations, under the proviso that they fall within the associated delegated authority and are in line with the applicable procurement regulations, with any cost being able to be contained within the service budget.
- 1.10 It is also recommended that the Executive Director - Adult Social Care, Health and Wellbeing / Cheshire & Merseyside ICB Place Director, in consultation with Cabinet

Member for Adult Social Care & Health is authorised and implement a maximum six-month extension to the current Adult Social Care commissioned Healthwatch service contract, in order to ensure that a compliant procurement exercise can be conducted, to ensure that Healthwatch services continue to be delivered and to also ensure that sufficient notice period of at least 90 days is given to the current Provider, so that wider principles such as those within the *New Realities* agreement are met.

2. Financial Implications

There are no additional revenue costs associated with this report.

Current annual expenditure for Healthwatch is £143,250 and any potential increase to expenditure would need to be met from existing Adult Social Care budgets.

3. Legal Implications:

- Care Act 2014
- Care and Support Statutory Guidance

4. Corporate Risk Implications:

There is a risk that not commencing a procurement exercise could result in statutory Healthwatch services not being delivered.

There is a further risk should recommendation 6 of this report be enacted to further extend the existing contract for up to six months. The Council seeks to manage and mitigate any risks by commencing the procurement exercise. Any such extension would be intended to allow the Council time to run a compliant procurement process.

5. Staffing HR Implications:

It is envisaged that any procurement exercise may encompass TUPE transfer of staff from existing Providers.

6. Conclusion:

The rationale for the recommendations in this report have been formulated to ensure that a procurement exercise takes place, and existing contractual arrangements are extended to ensure ongoing delivery of Healthwatch services post 31st March 2025.

Alternative Options Considered and Rejected

None.

Equality Implications:
The equality Implications have been identified and mitigated.
Impact on Children and Young People:

Healthwatch services will continue to be provided to, and accessed by people, including younger adults aged 18 and above.

Climate Emergency Implications:

The recommendations within this report will have a Neutral impact.

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Services & Commercial (FD.7833/24) and the Chief Legal and Democratic Officer (LD.5933/24) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

Engagement will take place with key stakeholders such as ICB colleagues, as part of the formulation proposals on the specifics of the procurement exercise.

Engagement with the current Provider of Healthwatch services will also take place with respect to any extension of their current contract whilst the procurement exercise is conducted.

Implementation Date for the Decision:

Following the expiry of the “call-in” period for the Cabinet decision.

Contact Officer:	Neil Watson
Telephone Number:	07929 783315
Email Address:	Neil.Watson@sefton.gov.uk

Appendices:

There are no appendices to this report.

Background Papers:

None.