

Decision Pathway – Report

PURPOSE: Key decision

MEETING: Cabinet

DATE: 03 March 2020

TITLE	Commissioning of Rough Sleeping Services		
Ward(s)	City wide		
Author: Hywel Caddy		Job title: Commissioning Manager (Homelessness)	
Cabinet lead: Councillor Paul Smith		Executive Director lead: Stephen Peacock	
Proposal origin: BCC Staff			
Decision maker: Cabinet Member			
Decision forum: Cabinet			
Purpose of Report: To seek Cabinet approval for:			
<div><div></div><div><div>1.</div><div>Authorise the Executive Director of Growth and Regeneration to accept the grant award of £2,814,768 MHCLG funding and to spend to reduce rough sleeping for 2020/21.</div></div><div><div>2.</div><div>The draft Commissioning Plan for services to reduce and prevent rough sleeping, and to delegate the approval of the final commissioning plan, tendering recommendations and award of two and half year contracts from October 2020 (with break clauses, and options to extend on an annual basis for a further three years, subject to ongoing MHCLG funding) to the Executive Director of Growth and Regeneration and Head of Procurement in consultation with the Cabinet Member Housing.</div></div></div>			
Evidence Base:			
Background			
<p>The Rough Sleeper Service (RSS) is commissioned to reduce rough sleeping in the city. The current RSS started on October 1st 2014 for three years and has subsequently been extended - with Cabinet approval – to September 2020. The number of people sleeping rough in Bristol has increased markedly since 2013 coinciding with government reductions to local authority funding and freezing of Local Housing Allowance rates. The Government has provided additional funding to local authorities through the Ministry for Housing, Communities and Local Government (MHCLG) in order to fulfil the aims of the Rough Sleeping Strategy to halve rough sleeping by 2022 and to end it by 2027.</p> <p>Whilst this funding is welcomed by BCC, the MHCLG funding streams and bidding opportunities have short run in periods and are for short time periods creating difficulties in regard to strategically commissioning services to reduce rough sleeping – we have recently submitted a bid for 2020-21 for £2,984,230.</p> <p>The MHCLG bid for 2020/21 was made up of:</p> <div><div></div><div><div>•</div><div>Two 24 hour shelters £1,008,157</div></div><div><div>•</div><div>Prison release & support for those leaving hospital £183,589 (from October 20 will be absorbed into new contracts)</div></div><div><div>•</div><div>Additional outreach and mental health support £149,635 (from October 20 will be absorbed into new contracts)</div></div><div><div>•</div><div>Prevention and new to the streets service enhanced capacity £847,138 (from October 20 will be absorbed into new contracts)</div></div><div><div>•</div><div>Improved access to private sector accommodation and supported lettings £416,300</div></div></div>			

- Navigators £307,411
- Overall coordination of programme £72,000

On the 28th January MHCLG confirmed that this bid had been successful and Bristol has been awarded £2,814,768 in 2020/21. This is slightly below the bid submission level but, due to some flexibility within the overall shelter programme, it will enable all the proposed interventions to be delivered in 2020/21. The MHCLG have only committed to one year funding, again in line with the 1 year spending review, to 2020-21. We anticipate there will be a 3 year Comprehensive Spending Review (CSR, for 2021/22 – 2023/24) giving greater clarity on overall Government funding to reduce rough sleeping. This may be known ahead of contract awards.

In order to create stability and improve effectiveness of services it is proposed to commission services from October 2020 for an initial period of two and half years. The first six months will be fully covered by the MHCLG funding for 2020-21, the cost of funding for the next two years is £1,468,000 p.a. (to deliver the two main contracts). If the MHCLG funding is less than this amount for years 2 or 3 then the contracts would be reviewed in line with break clauses and the funding reduction clauses and services reprioritised within the budget envelopes available to Housing Options, which may include use of earmarked reserves. Any reprioritisation of services or use of reserves would need to be agreed under delegated authority to Executive Director of Growth and Regeneration in conjunction with the Cabinet Member and the Section 151 officer.

The draft Needs Analysis and draft Commissioning Plan are attached as appendices to this report. We are asking for approval to progress with recommendations arising from the final commissioning plan and associated procurement processes, and subsequently award of contracts to be delegated to the Executive Director of Growth and Regeneration and Head of Procurement. Delegated approval is being sought because there will be no further Cabinet meetings after March 3rd until June 2020 due to local Mayoral and Councillor elections. It is important to note that the proposals in Recommendation 1 in the draft commissioning plan differ from the proposed funding timescales in this report.

The draft Commissioning Plan sets out the recommendations we are making for future services and this will be finalised once all responses have been received and analysed from the consultation on the draft plan (December 13th 2019 to January 31st 2020). We have also outlined an indicative minimum annual budget per year for the two main contracts.

Service proposed	Indicative minimum budget
<p>Recommendation 1 – Rough sleeping services (for further details see Appendix A)</p> <p>We are proposing to commission two main services that work directly with two different client groups and will also set out these details in the Prior Information Notice (PIN).</p> <p>(i). A Prevention/New to the streets Service.</p> <p>(ii). A longer term/returners service – n.b. this will be the service that we prioritise funding for as our ‘core’ service if subject to funding reductions in future years.</p> <p>We are proposing that any bidder can only be awarded one of the two lots – and are also exploring possible in-house provision of the prevention/new to the streets service.</p>	<p>(i) (to include minimum prevention/new to the streets and advice service). Elements could become in-house provision</p> <p>(ii) (to include additional outreach, mental health and elements of prison release work).</p> <p>Total £1,468,000 p.a.</p>
<p>Recommendation 2 – Ongoing resettlement support and /navigation framework</p> <p>A Framework of providers who are able to provide resettlement or navigator-type support services and also enable us to respond quickly to future opportunities. This could include one or more contracts for:</p> <p>(i) Floating support and resettlement to people moving into non-supported accommodation</p> <p>(ii) Navigation service that help engage with people who are rough sleeping and help to guide them through often complex and disparate services.</p> <p>This framework will also enable us to respond quickly to future funding</p>	<p>MHCLG funding availability will be dependent on outcome of CSR. The appropriate decision pathway will be sought for approval on this.</p> <p>This framework can also respond to other one-off</p>

<p>opportunities, for example:</p> <p>(iii) Services that can deliver longer term support when current programmes end e.g. Housing First & Street Impact Bristol.</p> <p>(iv) New initiatives/interventions for clients who require longer term support and facilitated access to specialist services – e.g. any future Housing First programmes.</p> <p>(v) Support services for longer term supported housing initiatives e.g. for those with enduring needs/end of life care.</p>	<p>funding opportunities.</p>
<p>Recommendation 3 - Accommodation Options framework</p> <p>A Framework of providers who are able to provide accommodation-type services and also enable us to respond quickly to future opportunities. This could include one or more contracts for the:</p> <p>(i) Provision of overnight or 24 hour shelter provision in the city whilst people have to wait to secure accommodation to move off the streets.</p> <p>(ii) Local lettings agency that secures access to private sector accommodation options.</p> <p>(iii) Securing accommodation within the social housing and Private Rental Sector for Housing First type schemes that require longer term accommodation and a tolerant approach from the landlord.</p> <p>(iv) Longer term supported accommodation for those with enduring needs</p> <p>(v) Developing effective shared housing models in the city in social housing either with Registered Providers or within Bristol City Council housing stock.</p>	<p>MHCLG funding availability will be dependent on outcome of CSR. The appropriate decision pathway will be sought for approval on this.</p> <p>This framework can also respond to other one-off funding opportunities.</p>

As stated above, when we go out to tender for these services/frameworks we will be ensuring that there are clauses included that allow for any reductions in funding from MHCLG in future years – in recognition that funding levels from the MHCLG for 2021/22 onwards will not be known. However, MHCLG have indicated that they are supportive of our longer term contracting approach.

There are also interventions required around the supply of accommodation and affordable move on options (aligned to the Accommodation Options framework) that are currently being developed into more robust proposals. When these proposals have been assessed for viability we will seek any further approvals.

Cabinet Member / Officer Recommendations:

That Cabinet:

1. Authorise the Executive Director of Growth and Regeneration to accept and spend the grant award from MHCLG for £2,814,768 to reduce rough sleeping for 2020/21.
2. Approves the draft Commissioning Plan and budget for services to reduce, and prevent rough sleeping in the city from October 2020.
3. Authorise the Executive Director of Growth and Regeneration and Head of Procurement, in consultation with the Cabinet Member for Housing, to approve the final commissioning plan, tendering recommendations, and to take all steps necessary to deliver, procure and award a contract from October 2020 for two and half years, with options to extend annually for a further three years subject to MHCLG funding.

Corporate Strategy alignment: Key commitment to reduce the overall level of homelessness and rough sleeping, with no-one needing to spend a 'second night out'.

City Benefits: The Draft Commissioning Plan and EQIA provide a useful overview. In brief the proposal will assist many rough sleepers to access accommodation and support improving their health and reducing the physical and mental health impact of living on the streets.

Consultation Details: Pre-consultation - Staff and client feedback - 17th October to 31st October 2019 35 staff and 70 service users, from a range of services for people rough sleeping, gave feedback in different ways. This informed the draft Commissioning Plan which is being consulted on from 13th December 2019 to the 31st March 2020:

https://bristol.citizenspace.com/housing-landlord-services/rough-sleeping-services-recommissioning/start_preview?token=888495c7610b959490b77251f8785b5cebeb4d61

Background Documents:

Rough Sleeping Strategy: <https://www.gov.uk/government/publications/the-rough-sleeping-strategy>

Delivery Plan: <https://www.gov.uk/government/publications/rough-sleeping-strategy-delivery-plan>

Homelessness and Rough Sleeping Strategy 2019-24 (Cabinet 3rd Sept 2019):

<https://democracy.bristol.gov.uk/ieListDocuments.aspx?CId=135&MId=3687&Ver=4>

Revenue Cost	£2,814,768 £557,600	Source of Revenue Funding	MHCLG grant for 2020/21 General fund budget
Capital Cost	£0	Source of Capital Funding	n.a.
One off cost <input type="checkbox"/> Ongoing cost <input checked="" type="checkbox"/>		Saving Proposal <input type="checkbox"/> Income generation proposal <input type="checkbox"/>	

Required information to be completed by Financial/Legal/ICT/ HR partners:

Finance Advice: The Council has successfully bid for a grant from MHCLG for £2,814,768 for 2020/21. There is also a general fund budget for Housing Option of £557,600. Contracts are currently in place to provide a range of services to reduce rough sleeping up until the end of September 2020. The proposed new contracts would start in October 2020 and will have appropriate break clauses that could be applied if the level of MHCLG funding is reduced in years 2 and 3.

If the level of MHCLG funding is reduced in years 2 or 3, then an options paper would be developed to be considered by the Executive Director of Growth and Regeneration in conjunction with the Cabinet Member for Housing to ensure that service provision is reprioritised in line with Council strategy within the budget envelope available for that financial year. As a result, the level of services commissioned would either be reduced or the service may seek to utilise some earmarked reserves such as the Flexible Homelessness Support grant in order to continue some of the commissioned activities. Any proposals that seek to utilise reserves would be subject to Section 151 officer approval and would also be brought back to Cabinet for approval as it would require reprioritisation of the current planned activities for utilising the Housing Options' reserves.

Finance Business Partner: Wendy Welsh, Finance Manager, 5th February 2020

2. Legal Advice:Procurement

The procurement process must be conducted in line with the 2015 Procurement Regulations and the Councils own procurement rules. Legal services will advise and assist officers with regard to the conduct of the procurement process and the resulting contractual arrangements including provision for any reduction in funding from MCHLG during the contract period.

Consultation

The consultation responses must be conscientiously taken into account in finalising the decision. The leading cases on consultation provide that: -

- Consultation should occur when proposals are at a formative stage;
- Consultations should give sufficient reasons for any proposal to permit intelligent consideration;
- Consultations should allow adequate time for consideration and response.

There must be clear evidence that the decision maker has considered the consultation responses, or a summary of them, before taking its decision:-

- The degree of specificity regarding the consultation should be influenced by those who are being consulted;
- The demands of fairness are likely to be higher when the consultation relates to a decision which is likely to deprive someone of an existing benefit

Equalities

The Public Sector Equality duty requires the decision maker to consider the need to promote equality for persons with “protected characteristics” and to have due regard to the need to (i) eliminate discrimination, harassment, and victimisation; (ii) advance equality of opportunity; and (iii) foster good relations between persons who share a relevant protected characteristic and those who do not share it.

The Equalities Impact Check/Assessment is designed to assess whether there are any barriers in place that may prevent people with a protected characteristic using a service or benefiting from a policy. The decision maker must take into consideration the information in the check/assessment before taking the decision.

A decision can be made where there is a negative impact if it is clear that it is necessary, it is not possible to reduce or remove the negative impact by looking at alternatives and the means by which the aim of the decision is being implemented is both necessary and appropriate.

Legal Team Leader: Husinara Jones, Team Leader – Commercial & Governance Team, 11 February 2020

3. Implications on IT: n.a.

IT Team Leader: n.a.

4. HR Advice:

The Commissioning Plan details a number of options. HR implications will vary depending on the commissioning model which is adopted:

- Recommendation 1 (Commissioning Plan p 16) proposes BCC deliver some or all of the service in-house. As this work is currently undertaken by another organisation in this scenario it is likely that TUPE would apply (approximately 17 individuals would be in scope for the transfer). HR and Legal would provide TUPE advice to ensure if funding is obtained beyond 2020/21 the proposal would be to secure permanent posts to resource the in-house service.
- Recommendation 2 (p17) would retaining the existing in-house provision and implement a wider navigation service (floating support) utilising existing staff and additional staffing resource (3 FTE) if the MHCLG funding bid is successful, and again TUPE may apply.
- In Recommendation 3 the service are seeking funding for a post to set up the website for people looking for a room in a shared flat or a lodger. An application has been made to extend existing funding for this post.

HR Partner: Celia Williams, HRBP 08.01.2020

5. Procurement Advice:

A number of procurements are mentioned and will need to be tendered in line with the Council’s Procurement Rules and the Public Contracts Regulations. All contracts will need to have variation and termination clauses to allow for changes over time. The decision should provide delegated authority to the Executive Director of Growth and Regeneration or equivalent at the time of decision to be able to award contracts, as well as the freedom to change specified procurement routes with Procurements agreement without returning to Cabinet. The Contracts need to contain extension periods to allow for Council to be able to extend the contracts without going back out to tender as well as suitable break and variation clauses to allow for any changes in funding.

The two shelters mentioned in the background information section of this cabinet report will be grant awards and therefore not subject to the procurement rules.

Category Manager: Gina Smalley 7.2.2020

EDM Sign-off	Stephen Peacock	15th January 2020
Cabinet Member sign-off	Cllr Smith	21st January 2020
For Key Decisions - Mayor's Office sign-off	Mayor's Office	3rd February 2020

Appendix A – Further essential background / detail on the proposal Draft Commissioning Plan & Impact of proposals	YES
Appendix B – Details of consultation carried out - internal and external Pre-consultation document	YES
Appendix C – Summary of any engagement with scrutiny	NO
Appendix D – Risk assessment	YES
Appendix E – Equalities screening / impact assessment of proposal	YES
Appendix F – Eco-impact screening/ impact assessment of proposal <p>There are no significant environmental impacts relating to this report and a full Eco IA is not required.</p> <p>There are small impacts linked to the energy use and waste from running an emergency shelter and additional homes, these buildings will be managed by a third party, there exists a potential to reduce existing impacts through the procurement process. The procurement process could make considerations towards:</p> <ul style="list-style-type: none"> • Heat and power for the accommodation: quality of insulation, heating efficiency and lighting efficiency. • Travel impacts, such as location and access to public transport. • Provision of waste/ recycling facilities. <p>Nicola Hares 31.12.19</p>	NO
Appendix G – Financial Advice	NO
Appendix H – Legal Advice	NO
Appendix I – Exempt Information	NO
Appendix J – HR advice	NO
Appendix K – ICT	NO