

Committee Name and Date of Committee Meeting

Delegated Officer Decision – 19 December 2023

Report Title

Award of Contract – Healthwatch

Is this a Key Decision and has it been included on the Forward Plan?

No, but it has been included on the Forward Plan

Strategic Director Approving Submission of the Report

Ian Spicer, Strategic Director of Adult Care, Housing and Public Health

Report Author(s)

Scott Matthewman, Assistant Director, Strategic Commissioning
01709 822270 or scott.matthewman@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

The Health and Social Care Act 2012 sets down a statutory requirement for the provision of a Healthwatch function to act as the consumer champion for people using publicly funded health and social care services.

Healthwatch Rotherham is currently provided by a local VCS provider, however contract terms associated with the service reach their term on 31 March 2024.

This report outlines the outcome of a recent competitive tender process to enable the Council to continue to secure the service under a further contract arrangement post March 2024.

Recommendation

That approval be given to award a contract to Rotherham and District Citizens Advice for the provision of a Healthwatch Service, from 1st April 2024, for a period of 3 years until 31 March 2027.

List of Appendices Included

Appendix 1 – Officer Executive Decision Record

Background Papers

[Choose agenda document pack - Cabinet 18 September 2023 - Rotherham Council](#)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

Award of Contract – Healthwatch Rotherham Service

1. Background

- 1.1 The Health and Social Care Act 2012 sets down a statutory requirement for the provision of a Healthwatch function to act as the consumer champion for people using publicly funded health and social care services.

Any Organisation providing a local Healthwatch function must, by law be a body corporate, which adheres to the principles of a social enterprise, meaning that the constitution of the organisation (its articles of association) must state that not less than 50 per cent of its profits will be used for the purpose of the activities of the organisation and that its primary purpose is to carry out its activities for the benefit of the community.

- 1.2 The contract for the Healthwatch Rotherham Service reaches its current term on 31 March 2024 and there are currently no ongoing arrangements in place for the continuation of this service.
- 1.3 On 18 September 2023, Cabinet approved the undertaking of a competitive tender process to secure the service post April 2024 for a period of 3 years with a budget of £161,262 per annum, with an option to extend for two further twelve month periods.
- 1.4 The tender opportunity was published on 20 October 2023 and the process undertaken in compliance with s.222(8) of the Local Government and Public Involvement in Health Act 2007 (LGPIHA) and attendant regulations (reg 35 to 38 of the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

Applicants were questioned on how they would operate the service, safeguard people, gather the views of the people of Rotherham and make them known, how they would make a positive impact and effect change and measure their performance.

They were also required to submit a social value proposal.

- 1.5 The tender process concluded on 11 December 2023

2. Key Issues

- 2.1 Two qualified organisations submitted applications.
- 2.2 A panel of four officers, two from RMBC Adult Care, Commissioning Team, one from Public Health and a representative from NHS SY ICB assessed the applications against a published set of criteria and scoring mechanism.
- 2.3 The organisation considered by the panel to be able to provide the service most successfully was Rotherham and District Citizens Advice.

- 2.4 This organisation evidenced the ability, skills and knowledge to provide the service as detailed in the service specification.
- 2.6 The successful applicant is the incumbent provider and therefore TUPE is not applicable.

3. Recommended proposal

- 3.1 **Option 1** (Recommended) – Award a contract to Rotherham and District Citizens Advice. As detailed above they were able to demonstrate to the panel that they had the experience skills and knowledge provide the service.

Option 2 (not recommended) – Do not secure a contract post April 2024. Failure to provide a local Healthwatch Service would render the Council in breach of its statutory duty.

3.2 Recommended proposal – Option 1:

For the reasons detailed in this report and prior to the termination of the current agreement on 31 March 2024 it is recommended that Rotherham and District Citizens Advice be offered a contract of £161,262 per annum to provide the Healthwatch Rotherham Service for a period of 3 years from 1 April 2024 to 31 March 2027.

4. Consultation on proposal

- 4.1 As set out above the Local Authority is required by law to procure a Healthwatch service and to have it in place by 1st April 2024. There is no requirement for the Council to consult on the proposed procurement exercise.

Feedback has however been sought from partners (SYICB, Public Health, RDaSH) to help shape the specification and key performance indicators.

Feedback was also received from Healthwatch England on the contents of the Service Specification.

5. Timetable and Accountability for Implementing this Decision

- 5.1 If agreed, the contract document will be finalised in December 2023 to permit continuation of the service beyond 1 April 2024.

6. Financial and Procurement Advice and Implications

- 6.1 The procurement activity outlined in this report has been conducted in compliance with the Public Contracts Regulations 2015 (as amended) and the Council's own Financial and Procurement Procedure Rules.
- 6.2 The proposed payments outlined in this report are in will require an increase in the approved annual budget to £161,262 for the Healthwatch Rotherham Service. This will be funded from existing budgets within Adult Social Care.

7. Legal Advice and Implications

- 7.1 The estimated value of the Contract is £483,786 (with the extension £645,048), and as such it falls below the threshold for Social and Other Specific Services (SOSS) in the Public Contract Regulations 2015 (as amended) of £663,540.

However, it is subject to the Council's Financial and Procurement Procedure Rules which require competitive tendering for SOSS contracts with a value between £189,330 and the Relevant Threshold, which have been complied with as it has been out to competition.

Legal Services have been consulted on the form of the Agreement to be entered into.

8. Human Resources Advice and Implications

- 8.1 There are no implications for the Council. The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE), are not applicable as the contract is to be awarded to the incumbent provider.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 The services outlined in this report make a positive contribution in supporting children and vulnerable adults in Rotherham. As the report recommends continuing the services there are no negative implications envisaged.

10. Equalities and Human Rights Advice and Implications

- 10.1 The Equalities Analysis undertaken in July 2023 determined that the service will have no detrimental effect on those with protected characteristics.

11. Implications for CO2 Emissions and Climate Change

- 11.1 The carbon impact assessment undertaken in July 2023 demonstrates that the recommendations in this report will have minimal impact.

12. Implications for Partners

- 12.1 The services described in this report have no adverse effect on partners.

13. Risks and Mitigation

- 13.1 The successful provider declines the offer of the grant.
- 13.2 The incumbent provider has indicated their willingness to continue the service should they be successful.

14. Accountable Officers

Scott Matthewman, Assistant Director Strategic Commissioning

*Report Author: Scott Matthewman, Assistant Director, Strategic Commissioning
01709 822270 or scott.matthewman@rotherham.gov.uk Joanne
Bell, Strategic Commissioning Manager,
joanne.bell@rotherham.gov.uk*

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