

Agenda item: 7

Paper no: 4

Title of Report:	Health and Social Care Commissioning: Surrey County Council's Annual Procurement Forward Plan 2024/25	
Status:	TO APPROVE	
Committee:	Surrey-Wide Commissioning Committees in Common	20/03/2024
Venue:	Virtual meeting/ Woodhatch Place for SCC Committee	
Presented by:	Anna Kwiatkowska, Head of Procurement, Surrey County Council Danielle Bass, Procurement Partner, Surrey County Council	
Author(s)/ Lead Officer(s):	Anna Kwiatkowska, Head of Procurement, Surrey County Council Danielle Bass, Procurement Partner, Surrey County Council	

Executive Summary:

In March 2019, Surrey County Council's Cabinet approved the recommendation to delegate authority and decision making, related to the strategic commissioning of Health and Social Care services across Surrey, to the Surrey-Wide Committees in Common (CiC), (which meets under 'in common arrangements' with Frimley ICB and Surrey Heartlands ICB).

This included the delegation of key decision-making authority regards specific commissioning functions (Core Better Care Fund, ASC Learning Disabilities, ASC Mental Health, Children's Community Services/Emotional Health and Wellbeing, Continuing Healthcare and Public Health services) to the Committee.

The revised Procurement and Contract Standing Orders agreed by the Council in May 2019 and further revised in March 2023, require the preparation of an Annual Procurement Forward Plan (APFP) during the business planning cycle for all goods/services over the regulatory threshold.

The APFP has been developed for the financial year 2024/25 and the Surrey-Wide Committees in Common is asked to give Approval to Procure for all the projects listed in the CIC Tab (Annex 1), allowing implementation of the identified procurement activity that is led or jointly procured with Health by Surrey County Council.

Governance:

Conflict of Interest: The Author considers:	None identified	✓
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Previous Reporting: (relevant committees report has previously been presented to)	N/A	
Freedom of Information: The Author considers:	Open – no exemption applies. Part 1 paper suitable for publication: Annex 1 CIC Annual Procurement Forward Plan 2024.2025 (Additional information to be presented under Part II of the agenda: Annex 2.)	✓

Decision Applicable to:

Decision applicable to the following Committee/s:	NHS Frimley ICB	-
	NHS Surrey Heartlands ICB	-
	Surrey County Council	✓

Recommendation(s):

The Surrey County Council Surrey-wide Commissioning Committee is asked to:

1. **GIVE APPROVAL** to Procure for the projects listed in the Annual Procurement Forward Plan for 2024/25 in accordance with Surrey County Council’s Procurement and Contract Standing Orders.
2. **AGREE** that where the first ranked tender for any Surrey County Council projects listed in Annex 1 is within the +5% budgetary tolerance level, the relevant Executive Director, Director, or Head of Service (as appropriate) is authorised to award such contracts while consulting with the relevant Cabinet Member as appropriate.
3. **AGREE** the procurement activity marked as ‘yes’ in Column R within the Annual Procurement Forward Plan will be returned to the Surrey-Wide Committees in Common for review of the commissioning and procurement strategy before going to the market.

Reason for recommendation(s):

1. To comply with the Procurement and Contract Standing Orders agreed by Surrey County Council in May 2019, and further revised in March 2023.
2. To provide the Surrey-Wide Committees in Common with strategic oversight of planned procurement projects led or jointly procured with Health by Surrey County Council for 2024/25.
3. To ensure the Surrey-Wide Committees in Common oversight is focused on the most significant procurements.
4. To avoid the need to submit multiple individual requests for Approval to Procure as well as individual SCC only contract award approvals for work taking place in financial year 2024/25.

Next Steps

1. The approved plans will be delivered during the financial year 2024/25.
2. The projects highlighted as per recommendation (1) will be returned to the Surrey-Wide Committees in Common for review of the commissioning and procurement strategy prior to going out to market.

1. Details:

- 1.1. Surrey County Council's Cabinet approved the Annual Procurement Forward Plan for procurement activity to be delivered throughout the upcoming financial year (2024/25) on 19 December 2023. This approval did not include specific commissioning functions (Core Better Care Fund, ASC Learning Disabilities, ASC Mental Health, Children's Community Services/Emotional Health and Wellbeing, Continuing Healthcare and Public Health services) which fall in scope of the SCC Surrey-Wide Committees in Common (which meets under 'in common arrangements with Frimley ICB and Surrey Heartlands ICB).
- 1.2. As decisions relating to the above commissioning functions were delegated to the Surrey-Wide Committees in Common as part of the Surrey joint health and wellbeing strategy in March 2019, the Approval to Procure for the services in scope must be sought from the Surrey-Wide Committees in Common. While the Surrey-Wide Committees in Common holds the decision-making authority for their delegated functions, the decision will be taken in line with the Surrey-Wide Committees in Common ethos to:
 - 1.1.1 consider and make collective decisions for all delegated functions.
 - 1.1.2 discuss strategic commissioning decisions across Surrey.
- 1.3. Annex 1 lists all known projects over £214,904 (inc. of VAT) that are in scope of the Surrey-Wide Committees in Common and due for procurement in FY 2024/25. They include services that are funded by Surrey County Council and those jointly funded with Health. These projects will be publicised in due time using the established e-procurement platforms.
- 1.4. Please note that there may be services included in Annex 1 for which the procurement is likely to be led by the Integrated Care Boards (ICBs) or another partner. They are included so that the Surrey-Wide Committee in Common can approve in principle the Surrey County Council funding for the service.
- 1.5. The Council is required to comply with The Public Contracts Regulations 2015, as amended, to advertise and conduct a public tender for supply and services contracts above the procurement threshold of £214,904 (inc. of VAT). In October 2024 The Public Contracts Regulations 2015, will be superseded by The Procurement Act 2023, which the Council will be required to adhere to. Furthermore, with effect from 1 January 2024, the Council is required to comply with The Health Care Services (Provider Selection Regime) Regulations 2023
- 1.6. Budgets will be agreed with the service, finance, and partners (where applicable) through the development of a detailed procurement report and finalised before going out to market.
- 1.7. Once the Approval to Procure is granted by the Surrey-Wide Committees in Common, SCC officers may proceed to procurement without delay. Award decisions for SCC contracts are delegated to Executive Directors, Directors, or Heads of Service, while consulting with the relevant Cabinet Member as appropriate. It is noted that for joint procurements the appropriate scheme of delegation will need to be followed for each contracting party.
- 1.8. There will only be additional approvals required at the award stage of each SCC procurement in the event that the outcome is outside a +5% tolerance of the

budget agreed when each project begins. Any project with an outturn not within tolerance will be reported and approved as follows:

1.1.3 Under £1m: Section 151 Officer

1.1.4 Over £1m: Section 151 Officer and relevant service Portfolio Holder

1.1.5 Over £5m: Section 151 Officer and Surrey-Wide Committees in Common

- 1.9. By approving the APFP in this way, there will be no need to gain Approval to Procure for each individual project for the remainder of this financial year. This will streamline governance processes and ensure focus on the most important projects throughout the year. However, it is likely that some unforeseen projects will arise, and officers will need to seek Approval to Procure for these separately.
- 1.10. Where significant transformation or material change to the delivery of a commissioned service is proposed these projects have been identified in grey in Annex 1 or 2. Depending on the nature of the changes, public consultation and equality impact assessments may also be necessary. Further situations not currently anticipated for the projects within Annex 1 or 2 may arise during the year. In any situation, the final proposed commissioning strategy and, if applicable, the outcome of any public consultation and equality impact assessment, will be brought back to the Surrey-Wide Committees in Common as an exception report for a new Approval to Procure.
- 1.11. Whilst the APFP is integral to the business planning cycle, it is not intended to set budgets for coming years, a task which is handled via the Council's annual budget report that is approved by Full Council in February each year. Where the contractual limits and the available budgetary provision are not in alignment, the lower of the two will generally prevail.

2. Consultation:

- 2.1. Consultation will take place for individual projects as appropriate to the products or services required.

3. Risk Management and Implications:

- 3.1. If Surrey County Council does not manage the contract renewal programme effectively and efficiently it could lead to a detrimental impact on value for money and required outcomes and benefits from our contracted services. Good forward planning will enable adequate resources and ensure sufficient time is dedicated to ensuring appropriate procurement strategies and commercial negotiations to take place.
- 3.2. Also, by bringing forward Member and partner approval to an earlier stage in the governance process, there will be the opportunity for the review and influence of plans in advance of any procurements being carried out.

4. Financial and 'Value For Money' Implications

- 4.1. The APFP approach has been designed to facilitate better planning, early engagement, and strategic oversight and, therefore, allows for more efficient and effective use of resources to support delivery of commissioning intentions.

- 4.2. The financial resources for each project will be reviewed and agreed based on the budget set for the relevant Council service in its Medium-Term Financial Strategy.
- 4.3. In the current financial climate with inflationary pressures continuing, all projects will be subject to a full procurement report which details the commercial considerations. The intention is that SCC will work closely with the supply market to form stronger relationships, mitigate risk and secure the appropriate procurement models to drive sustainability and affordability.

5. Section 151 Officer Commentary

- 5.1. Significant progress has been made in recent years to improve the Council's financial resilience and the financial management capabilities across the organisation. Whilst this has built a stronger financial base from which to deliver our services, the increased cost of living, global financial uncertainty, high inflation and government policy changes mean we continue to face challenges to our financial position. This requires an increased focus on financial management to protect service delivery, a continuation of the need to be forward looking in the medium term, as well as the delivery of the efficiencies to achieve a balanced budget position each year.
- 5.2. In addition to these immediate challenges, the medium-term financial outlook beyond 2023/24 remains uncertain. With no clarity on central government funding in the medium term, our working assumption is that financial resources will continue to be constrained, as they have been for the majority of the past decade. This places an onus on the Council to continue to consider issues of financial sustainability as a priority, in order to ensure the stable provision of services in the medium term.
- 5.3. In this context, the Section 151 Officer recognises the benefit of approving the Annual Procurement Forward Plan (APFP), which sets out the contracts expected to be tendered during the 2024/25 financial year. The Section 151 Officer confirms that SCC's Finance team has reviewed the content of the APFP and will work closely with SCC's ASC and Procurement services, and health partners where relevant, to support tendering of services set out in the APFP at best value.
- 5.4. It remains however, the responsibility of the relevant Executive Director, Director or Head of Service to ensure that any expenditure committed to as a result of these procurements remains within the approved budget envelopes and is consistent with the Directorate's Commissioning Strategy.

6. Legal Implications – Monitoring Officer

- 6.1. Surrey-Wide Commissioning Committee is being asked to give formal Approval to Procure for the projects listed in Annex 1 in accordance with the Council's Procurement and Contract Standing Orders. In making this decision, Surrey-Wide Commissioning Committee should be cognisant of its fiduciary duty to Surrey residents to ensure services are provided effectively while also maintaining a balanced budget.
- 6.2. Notwithstanding Surrey-wide Commissioning Committee giving Approval to Procure, the Council need to ensure that The Public Contracts Regulations 2015,

as amended, and any further legislation introduced (The Procurement Act 2023) as well as The Health Care Services (Provider Selection Regime) Regulations 2023, as appropriate, are complied with in relation to any procurement undertaken.

- 6.3. For projects where additional statutory duties arise at a later date, for example as a result of a change in commissioning strategy, the Approval to Procure given at this stage will no longer be valid. Once additional statutory requirements have been satisfied, a report will need to return to Cabinet for a new Approval to Procure. Legal Services will advise in relation to any such situations on a case-by-case basis.

7. Equalities and Diversity

- 7.1. Equality Impact Assessments will take place for individual projects as appropriate to the products or services required.

8. Other Implications:

- 8.1. There are no significant implications upon key council priorities and policy areas
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Consulted:

Surrey County Council – Cabinet Members, Executive Directors, Service Directors, Finance, Legal, Head of Procurement

Annexes:

Annex 1 – “CIC Annual Procurement Forward Plan for 2024/25” Part 1

Annex 2 – “CIC Annual Procurement Forward Plan for 2024/25” Part 2 (presented under Part II of the agenda)

Sources/background papers:

Procurement and Contract Standing Orders March 2023

Surrey Strategic Health and Care Commissioning Collaborative

Report Executive Summary

Title of Report	Annual Procurement Forward Plan 2024/2025
Author	Danielle Bass
Date of Report	20 March 2024

Executive Summary	
<p>In March 2019, Surrey County Council’s Cabinet approved the recommendation to delegate authority and decision making, related to the strategic commissioning of Health and Social Care services across Surrey, to the Surrey-Wide Committees in Common (CiC), (which meets under ‘in common arrangements’ with Frimley ICB and Surrey Heartlands ICB).</p> <p>This included the delegation of key decision-making authority regards specific commissioning functions (Core Better Care Fund, ASC Learning Disabilities, ASC Mental Health, Children’s Community Services/Emotional Health and Wellbeing, Continuing Healthcare and Public Health services) to the Committee.</p> <p>The revised Procurement and Contract Standing Orders agreed by the Council in May 2019 and further revised in March 2023, require the preparation of an Annual Procurement Forward Plan (APFP) during the business planning cycle for all goods/services over the regulatory threshold.</p> <p>The APFP has been developed for the financial year 2024/25 and the Surrey-Wide Committees in Common is asked to give Approval to Procure for all the projects listed in the CIC Tab (Annex 1), allowing implementation of the identified procurement activity that is led or jointly procured with Health by Surrey County Council.</p>	

Governance		
Conflict of Interest: The Author considers:	None	
Previous Reporting: (relevant committees/ forums this paper has previously been presented to)	The Annual Procurement Forward Plan has been presented each year to Collaborative and Committees in Common under delegated authority by Surrey County Council Cabinet since 2019.	
Freedom of Information: The Author considers:	RESTRICTED: Annex 2	✓

Implications	
What is the financial/ resource required?	<p>The CIC report has Section 151 commentary and finance clearance on the 22 February 2024 from the following;</p> <ul style="list-style-type: none"> • Rachel Wigley Director of Finance Insight and Performance • William House Strategic Finance Business Partner
What legislation, policy or other guidance is relevant?	<ul style="list-style-type: none"> • Procurement Contract Standing Orders • Procurement Contract regulations 2015 • Provider Selection Regime 2024

Is an Equality Analysis required?	N/A
Any Patient and Public Engagement/ consultation required?	N/A

Recommendations

The recommendation being presented is for the delegated decision-making of the fund to be joint responsibility and accountability between the following two Executive Directors to continue to reflect the joint nature of the fund:

Recommendation(s):

Surrey-wide Committees in Common are asked to:

1. Give Approval to Procure for the projects listed in the Annual Procurement Forward Plan for 2024/25 in accordance with Surrey County Council’s Procurement and Contract Standing Orders.
2. Agree that where the first ranked tender for any Surrey County Council projects listed in Annex 1 is within the +5% budgetary tolerance level, the relevant Executive Director, Director, or Head of Service (as appropriate) is authorised to award such contracts while consulting with the relevant Cabinet Member as appropriate.
3. Agrees the procurement activity marked as ‘yes’ in Column R within the Annual Procurement Forward Plan will be returned to the Surrey-Wide Committees in Common for review of the commissioning and procurement strategy before going to the market.

Next steps

Next Steps

1. The approved plans will be delivered during the financial year 2024/25.
2. The projects highlighted as per recommendation (1) will be returned to the Surrey-Wide Committees in Common for review of the commissioning and procurement strategy prior to going out to market.

For further information, contact:	Danielle Bass, Procurement Partner. SCC danielle.bass@surreycc.gov.uk
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Surrey Wide Committees in Common

Directorate	Service	Contract Name (over Regulatory Threshold, £214,904 inclusive of VAT)	Contract Description (up to 250 characters)	Capital/ Revenue/Grant funded/Mixed	Contract Length in months (including extensions)	Current Contract End Date	Procurement Activity Required (Renewal of Existing/ Replacement with New Service/ New Procurement Requirement)	Route to Market	Start date of new contract(s) (enter as dd/mm/yy)	To be reserved by CiC to review commissioning and procurement strategy before going to market? (Yes / No)
Adults, Wellbeing and Health Partnerships	Adult Social Care	All age Autism outreach and therapy provision	Contract for the Provision of All age Autism outreach and therapy provision	Revenue	TBC	N/A	New Procurement Requirement	Open	TBC	No
Adults, Wellbeing and Health Partnerships	Adult Social Care	Housing Related Support	Support for individuals living in the communiyt (no CQC regulated)	Revenue	TBC	N/A	New Procurement Requirement	Open	TBC	No
Adults, Wellbeing and Health Partnerships	Adult Social Care	Carers: support for carers of people with dementia	Support carers of people with dementia	Revenue	TBC	N/A	New Procurement Requirement	Open	TBC	No
Adults, Wellbeing and Health Partnerships	Adult Social Care	Discharge to Assess	Contract for the Provision of Discharge 2 Assess	Revenue	TBC	N/A	New Procurement Requirement	Open	TBC	No
Adults, Wellbeing and Health Partnerships	Adult Social Care	Community Rehabilitation and Reablement	Contract for the Provision of Community Rehabilitation and Reablement	Revenue	TBC	N/A	New Procurement Requirement	Open	TBC	No
Adults, Wellbeing and Health Partnerships	Adult Social Care	Individual Service Funds Pilot	Contract for the provision of Individual Service Funds Pilot	Revenue	TBC	N/A	New Procurement Requirement	Open	TBC	No

Adults, Wellbeing and Health Partnerships	Adult Social Care	LDA Quality Trackers/ User voice Pilot	Contract for the provision of LDA Quality Trackers/User Voice Pilot	Revenue	TBC	N/A	New Procurement Requirement	Open	TBC	No
Adults, Wellbeing and Health Partnerships	Adult Social Care	Collaborative Reablement Service	This service delivers reablement care and support in the homes of people living in their own home.	Revenue	48	30/09/2024	Renewal of Existing	Open	01/10/2024	No
Adults, Wellbeing and Health Partnerships	Adult Social Care	Stroke Support Service	Service to support stroke survivors and their carers.	Revenue	36	31/08/2024	Renewal of Existing	Open	01/09/2024	No
Adults, Wellbeing and Health Partnerships	Public Health	Bridge the Gap Trauma Informed Assertive Outreach Service	Contract for the Provision of Bridge the Gap Trauma Informed Assertive Outreach Service	Revenue	24	N/A	Renewal of Existing	Light Touch Regime	01/07/2025	No
Adults, Wellbeing and Health Partnerships	Public Health	First Steps	Mental wellbeing phonenumber, SMS, webchat and email service	Revenue	TBC	N/A	New Procurement Requirement	Light Touch Regime	TBC	No
Adults, Wellbeing and Health Partnerships	Public Health	Young People's Substance Misuse	Contract for Young People's Substance Misuse	Revenue	84	30/04/2025	Renewal of Existing	Light Touch Regime	01/05/2025	No
Adults, Wellbeing and Health Partnerships	Public Health	Surrey Suicide Bereavement Support Service	Contract for the Provision of Suicide Bereavement Support Service	Revenue	24	31/01/2025	Renewal of Existing	Light Touch Regime	01/02/2025	No
Adults, Wellbeing and Health Partnerships	Public Health	Contract for the Provision of 24/7 telephone helpline	Support for individuals requiring 24/7 telephone helpline with Drug and Alcohol support	Revenue	72	31/03/2025	Renewal of Existing	Light Touch Regime	01/04/2025	No
Adults, Wellbeing and Health Partnerships	Public Health	Substance Misuse Workers (Women's support services)	Contract for the Provision of Substance Misuse Workers (Women Support Services)	Revenue	60	31/03/2025	Renewal of Existing	Light Touch Regime	01/04/2025	No
Adults, Wellbeing and Health Partnerships	Public Health	Contract for the Provision of Drug Related Deaths Counselling	Support for individuals coping with Drug Related Deaths	Revenue	72	31/03/2025	Renewal of Existing	Light Touch Regime	01/04/2025	No