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TRAFFORD Metropolitan Borough Council

**Soft Market testing**

Deprivation of Liberty Safeguards Best Interests Assessment Services Framework

1. **Background**

This soft market test aims to outline the requirements for Trafford MBC to deliver the Deprivation of Liberty Safeguarding (DoLS) Framework effectively and within procurement regulations.

A DoLS Services is required to meet statutory guidelines by assessing whether a person’s care or treatment amounts to a Deprivation of Liberty and is in that person’s Best Interest. At present the DoLS Assessments are performed by a number of qualified assessors through a spot purchasing mechanism operated by Trafford Metropolitan Borough Council (TMBC). However this is not a formal procurement route.

The Commissioner would like to test to see if providers of the DoLS Assessments would be responsive to applying to a Flexible Purchasing System (FPS). An FPS would be similar to the existing process, but would ensure the council is compliant with Procurement Regulations. The commissioners are aware there are imminent changes to the current system as a result of changing legislation would not come in until April 2022. In July 2018, the government published a Mental Capacity (Amendment) Bill, which will see DoLS replaced by the Liberty Protection Safeguards (LPS). This passed into law in May 2019. Under LPS, there will be a streamlined process to authorise deprivations of liberty. This legislative change was due to implemented in October 2020. Further guidance has indicated that the introduction of the LPS has been further extended past October 2020 and at present, it is difficult to predict what this will mean for the authority. Implementation is currently anticipated from 1 April 2022. However in order the current procurement methodology compliance, a competitive procedure must be undertaken to avoid non-compliance with the CPRs (Procurement Regulations) until the introduction of the LPS.

The commissioners are looking to set up a framework to operate within the parameters of procurement legislation. However due to imminent changes to the Liberty Protection Safeguards legislation, the Commissioners are aware that an amendment to the terms and conditions of the framework may be necessary to comply to cover this, and the Commissioners will update and provide a variation to the contract around this, or may have to retender again.

We would like to take the opportunity to do some `soft market testing’ as outlined below, to determine current interest levels in the market.

Please note – the results of this soft market testing may be shared with other STAR Procurement (Stockport, Trafford and/or Rochdale) authorities to inform future commissioning intentions. If you do not wish for this to be shared, please specify this in your response below.

1. **Key Aims**

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| The overall aim of the service is to ensure that Trafford meets its DOLs requirements by assessing whether a person’s care or treatment amounts to a Deprivation of Liberty and is in that person’s Best Interest, by providing approved Best Interest Assessors and Mental Health Assessors.  DoLS provide a legal process to review and, where appropriate, authorise arrangements for a person’s care or treatment which may amount to a deprivation of liberty, for people aged 18 and over in a care home or hospital. It provides key safeguards to protect the person’s human rights. All other cases are considered by the Court of Protection.  In order to meet with the assessment criteria for DOLs the Commissioner recruits Best Interest Assessors (BIA) or S12 Doctors (Mental Health Assessors).  BIA Assessors (commissioned to undertake age, no refusals, and the best interests assessment)   * Initial Checks:   + BIA Certification   + Professional Indemnity Insurance   + HCPC Registration/Social Work registration   + DBS   + Company details in PLC   + Anonymised example of previous assessment conducted within past 12 months (this is screened separately by both DoLS Lead and Coordinator and has been pivotal to determining our acceptance to conduct work for us) * Annual checks for BIA include:   + Refresher BIA certification   + Renewal of professional Indemnity insurance   Mental Health Assessors (S12 Doctors) (commissioned to undertake, mental health, eligibility and the capacity assessment)   * Initial checks   + Professional Indemnity Insurance/Medical Protection Insurance   + Approval letter for S12   + DoLS training certification   + DBS   + Company details in PLC * Annual checks:   + BIA update training   + Renewal of professional Indemnity insurance/medical protection insurance   Furthermore, quality assurance is conducted ongoing as all commissioned assessment by either BIA/S12 are checked prior to acceptance and amendments requested if we are not satisfied with the quality. |

1. **Project Timescales**

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| --- | --- |
| **Stage of the project** | **Anticipated deadline** |
| Soft market testing | Friday 5 March 2021 to Friday 26 March 2021 (inclusive) |

1. **Soft Market Testing**

**THIS IS NOT A CALL FOR COMPETITION**

The Soft Market Test is intended to allow interested organisations with relevant experience to outline their views and provide information with no commitment to themselves or the Council.

If a decision is made to tender this service the spot purchase arrangement is for £280 for full form **3** assessment, £180 for a short form **3b** assessment (from 01 April 2021), £180 for a Mental Health Assessment. It is further envisaged that the initial contract would be for a period up to 31 March 2022. This will be reviewed based on the outcome of LPS and the Commissioners are aware that an amendment to the terms and conditions of the framework may be necessary to comply to cover this. The Commissioners will update and provide a variation to the contract around this, or may have to retender again. It may be the Commissioners will update and provide a variation to the contract around this, or may have to retender again. During the Soft Market Test we would like to gauge the level of interest.

**Stage 1 -** Interested suppliers are required to complete the following company information form and a short questionnaire (at appendix 1). Suppliers who complete and return the questionnaire ***may*** be invited to meet with Council representatives to discuss its requirements.

The questionnaire should be returned via The Chest - <https://www.the-chest.org.uk/> by 26 March 2021.

If Suppliers have any questions about this soft market test, such questions should be submitted to the Council using the ‘Question and Answer’ facility within the opportunity advertised on The Chest. A copy of the question and a copy of the written reply maybe circulated to all Suppliers, with anonymity of the Supplier preserved. Suppliers must not raise questions through any other channels, including emails direct to the Council or to STAR Procurement. No questions will be responded to, other than those raised through The Chest as described above

**We encourage your participation in this soft market testing exercise, but must emphasise that your involvement in this exercise will not carry any commercial advantage in any ensuing procurement process.**

**No information provided in response to this soft market testing exercise will be used in any evaluation of any subsequent response to a procurement exercise.**

1. **General Information**

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| --- | --- | --- |
| **4.1** | Full name of your organisation: |  |
| Contact Details Name: |  |
| Job Title: |  |
| Address: |  |
| Telephone no: |  |
| Fax No: |  |
| Mobile No: |  |
| Email Address: |  |
| Web Address (if any): |  |

1. **Undertaking from the supplier**

|  |  |
| --- | --- |
| Name:\* |  |
| Signed: | Duly authorised on behalf of the Supplier  (Electronic signature required here) |
| Position: |  |
| Date: |  |

**Appendix 1 – Questionnaire**

**Please complete the following questionnaire fully, highlighting any information that you consider to be commercially sensitive\***

1. Would you be interested in bidding for being an approved provider on the Framework?

If Yes, why?

If No, why not?

Response (up to 150 words):

1. Does your organisation currently have capacity to participate in a tender exercise?

Response: Yes/No

1. What would be the barriers to you participating in the tender exercise now, and if you needed to retender at short notice again in the future in alignment with changes to legislation?

Response (up to 250 words):

1. Please detail the experience your organisation has in delivering this type of service?

Response (up to 150 words):

1. When/if the Council go to tender following the soft market test, is there anything in addition to the information in this brief that suppliers would need to be advised of in order to aid in their response?

Response (up to 150 words):

1. Please can you confirm that you can deliver based on the spot purchasing prices given above and there would be no additional cost to the commissioning authority?

Response: Yes/No