

Decision Note – Custody Healthcare



REQUEST FOR DECISION BY THE STAFFORDSHIRE COMMISSIONER

	Policing:	Crime:	Fire & Rescue:
This decision relates to:	X	X	

APPROVAL (for completion by Staffordshire Commissioner only)

Rationale for approval

STAFFORDSHIRE COMMISSIONER

Signature

Date 20/06/2024

Date decision required by: 21/06/2024

If an urgent approval is required, please state reasons:


Decision is required outside of the normal route of Strategic Governance Board due to the need to move to standstill with the procurement ahead of the next SGB on the 4th July. Both other Forces in the procurement (Warwickshire and West Mercia) will have agreed standstill before this date.

For completion by Staffordshire Commissioner's Office only:-

Decision Number: SCP/D/202425/001

Date Received: 19/06/2024

	Yes	No
Has the required decision been considered under the guidance of the Staffordshire Commissioner's Decision Making Policy?	x	
Has the required decision been deemed to be a Key Decision as defined within the Staffordshire Commissioner's Decision Making Policy?	x	
Who is empowered to make the required decision?		
Staffordshire Commissioner		

Title	Custody Healthcare Provision
Summary: Following a procurement tender exercise for continuation of the operational critical service of the provision of healthcare in our custody suites, a decision has been reached regarding the award of the contract from 1 st September 2024.	
Recommendation: The contract should be awarded to MITIE Care & Custody for a term of 5 years with option to extend for up to a further 2 years, at a cost of [REDACTED] on the basis that they submitted the most economically advantageous offer to the Authority.	
Chief Executive I hereby approve the recommendation for consideration.	
Signature	Date 20/06/2024
	

REPORT AND ADVICE TO THE STAFFORDSHIRE COMMISSIONER

1. Introduction and background

The purpose of this paper is to recommend an award of contract for the provision of Custody Healthcare to commence 1st September 2024 for a term of 5 years with option to extend for up to a further 2 years.

The role of the Healthcare Professional (HCP) is critical to the effective management of Staffordshire Police's Custody suites and play an important role in ensuring the medical safety and wellbeing of detainees in the Custody environment. The expectations of the role are laid out in the Police and Criminal Evidence Act 1984 (PACE) Code of Practice C.

The current agreement with MITIE Care & Custody commenced 7 years ago and is due to expire on 31st August 2024 with no further extension options. The current service has been satisfactory for the duration of the contract and any issues have been relatively minor with Mitie being responsive and working with the force to rectify issues promptly and successfully when they arise. The main driver for approaching the market was to maintain compliance with the Public Contracts Regulations 2015.

This said, it has been recognised that the current contract has its punitive elements, designed to address the significant issues the force experienced under the previous agreement with Primecare. Furthermore, a new NHS-led service specification has been launched that forces are increasingly aligning to which provided an opportunity to refresh and bring up to date our service expectations and this tender exercise has had involvement from NHS England. This was done in conjunction with a new set of Key Performance Indicators that again align to national expectations, slightly amended to address issues experienced on the current agreement.

To this end the force approached the market under Regulation 27 of the Public Contracts Regulations 2015 (PCR). This followed a market engagement event held at Hindlip in December 2023 for all prospective bidders having responded to a Prior Information Notice issued in accordance with Regulation 40 of the PCR.

The exercise was led by West Mercia on behalf of itself, Staffordshire Police and Warwickshire Police under a regional collaboration.

Key process dates and documentation are provided at Appendix 1.

As the recommendation is to remain with the incumbent supplier following the tender exercise there is no transition or mobilisation periods to be mindful of and this provides adequate time for the 31st August expiry.

Current annual cost per annum is [REDACTED] and new cost per annum would be [REDACTED] – this equates to a saving of £21,225.28 for Year One of the contract.

Please note that only labour costs shall be considered to vary the price annually and any proposed variation will be aligned to the relevant NHS salary banding effective at that time.

It is important to note that while this contract provides a saving to the force, there is no reduction in the FTE or quality of the service to be received. Furthermore it is anticipated that there will be a HMIC Inspection in the near future and the offer proposed by the successful bidder is likely to be deemed favourable and meet the requirements from the previous inspection.

2. Issues for consideration

Despite carrying out market engagement via the early PIN notice, due to the restricted market for this area of business the authority only received two bids for the Staffordshire Lot. The other Bidder was [REDACTED]

The moderated scores are below:

	[REDACTED]	Mitie
Quality	41.00	59.00
Price	30.00	26.94
TOTAL	71.00	85.94
Rank	2nd	1st

Despite [REDACTED] submitting a lower cost bid, the evaluation panel had concerns over the quality elements of their submission, particularly around lack of experience with similar contracts to Staffordshire's requirements, some potential backwards steps with regards to processes used and what felt like an overall lack of understanding of our local issues.

The winning provider offers the most appropriate level of service delivery, and has provided quantified performance data to justify this.

It should be noted that Warwickshire and West Mercia also received two bids, and conclusion of their evaluations resulted in awards to [REDACTED] for both forces. However, their geographical differences and peripatetic models offer different challenges to Staffordshire's North and South embedded model.

It should be noted that should this recommendation to award be approved, there will be a 10-day standstill period to observe.

3. What other options have been considered?

The other supplier who put a bid in for the tender was considered on the merits of their submission, however the evaluating panel deemed that the operating model presented would not be suitable for the needs of Staffordshire Custody.

4. Consultation and Engagement undertaken

Consultation with key staff within the custody environment was undertaken ahead of the tender being issued to establish the situation with the current contract and any issues there have been that would feed in to the tender.

A Prior Information Notice (PIN) was issued and a supplier engagement day was held in December 2023 for all prospective tenderers who responded to the PIN.

Suppliers were invited to visit NACF and Watling custody facilities to gain an understanding of the custody facilities and how they operate, the better inform their bids.

Evaluation of the bids received was undertaken by the Criminal Justice Chief Inspector, a Custody Inspector and the DTOA Co-Ordinator. Moderation of scores was then led by Commercial in conjunction with the evaluation panel.

The Section 151 Officer has been informed prior to this paper submission to the SCO along with Superintendent Meir to ensure Operational support of the proposed way forward. Both support the recommendation.

Report Implications

5. Monitoring Officer comments:

Due process has been followed during this procurement.

Signature

Date 20/06/2024



6. Section 151 Officer comments:

This contract contributes a saving of £21,225.28 per annum compared to the current contract value and will contribute towards the MTFs savings in 2025/26 of £250,000 sought from procurement savings. There has been extensive operational input into designing the contract and the provision contained within, however noting that in recent years securing healthcare professionals has been challenging in a wider healthcare recruitment market, however recent changes to the operating model have improved availability and service levels

There remains a residual risk on future budgets as salary costs for healthcare professionals are tied to increases in NHS pay which have recently tracked above those in Policing and thus inflation on the contract should this trend continue outstrip pay inflation built into our budgets.

Signature




Date:

20/06/2024

	Yes	No
Has legal advice (outside of that provided by the Monitoring Officer) been sought on the content of this report?		X
7. Legal Comments: No legal advice has needed to be sought due to the low risks perceived with the outcome of this tender exercise.		
8. Risks - please give the details of any operational or strategic risks that are affected by this decision (add risk reference number and title below) No Risks Identified		
9. Equality Comments – please attach the completed EIA Attached.		
10. Background/supporting paper N/A		
Please answer the following questions	Yes	No
11. Public access to information?		X
12. Does this decision involve the processing of personal data? (If yes please attach a completed Data Impact Assessment) An existing Contractual DPA is already in place with the incumbent supplier and a refreshed one will be worked on with the new provider ahead of contract commencement should this recommendation be approved.	X	
13. Is the publication of this form to be deferred? (If yes approx. how long?) Until confirmation of standstill completion	X	
14. Does this form contain commercial or operationally sensitive information which is to be redacted? (If yes, please provide details with the submission of this note)	X	

15. ORIGINATING OFFICER DECLARATION:

Author	Amy Vukovic
Signed	
Date	07/06/2024



Equality Impact Assessment

The purpose of this EIA is to ensure you consider any equality issues as part of your decision making when developing / reviewing your policy / procedure.

Please complete the sections below and send to the Staffordshire Commissioner's Office to be quality assured. New / revised policies cannot be published on the policy database until the EIA has passed the quality assurance process.

Title of policy/procedure:	Detainee Healthcare
Department:	Contact & Ops
Date:	11/06/2024

1. Identify the aims and purpose of the policy

The purpose of this procurement exercise is to replace the existing contract which is due to expire on 31st August 2024.

2. Identify the individuals and organisations who are likely to have an interest in, or be affected by the policy.

Stakeholders include;

- Custody staff
- Persons detained in Custody
- Other third party providers within custody (ie. Liason & Diversion)
- Independent Custody Visitors
- NHS England

3. Data

Summarise the findings of any monitoring data / information which you have considered regarding the impact of this policy on people from all or any of the protected groups. This could include national or local data.

3.1 Age

Detailed local data is collected from the existing contract which has been considered. This data provides the age of every detained person requiring an assessment by a healthcare professional.

3.2 Disability

Local data collected from the existing contract has been considered.

3.3 Race

Local data collected from the existing contract has been considered.

3.4 Religion or Belief

Local data collected from the existing contract has been considered.

3.5 Sex

Local data collected from the existing contract has been considered.

3.6 Sexual Orientation

Local data collected from the existing contract has been considered.

3.7 Transgender

Local data collected from the existing contract has been considered.

4. Research

Summarise the findings of any research you have considered regarding this policy for all or any of the protected groups. This could include information you have obtained from other sources e.g. Home Office.

4.1 Age

This contract will not discriminate against age, the service will be available to all persons in custody regardless of their protected group.

4.2 Disability

This contract will not discriminate against age, the service will be available to all persons in custody regardless of their protected group.

4.3 Race

This contract will not discriminate against age, the service will be available to all persons in custody regardless of their protected group.

4.4 Religion or Belief

This contract will not discriminate against age, the service will be available to all persons in custody regardless of their protected group.

4.5 Sex

This contract will not discriminate against age, the service will be available to all persons in custody regardless of their protected group.

4.6 Sexual Orientation

This contract will not discriminate against age, the service will be available to all persons in custody regardless of their protected group.

4.7 Transgender

This contract will not discriminate against age, the service will be available to all persons in custody regardless of their protected group.

5. Consultation

Summarise the opinions of any consultation for all or any of the protected groups. Who was consulted and how e.g. survey, discussion, forum. If there was no consultation please justify why.

5.1 Age

Consultation is not always appropriate in this area, however feedback from persons in custody is collated with regards to the current service provision which will continue with the replacement contract.

5.2 Disability

Consultation is not always appropriate in this area, however feedback from persons in custody is collated with regards to the current service provision which will continue with the replacement contract.

5.3 Race

Consultation is not always appropriate in this area, however feedback from persons in custody is collated with regards to the current service provision which will continue with the replacement contract.

5.4 Religion or Belief

Consultation is not always appropriate in this area, however feedback from persons in custody is collated with regards to the current service provision which will continue with the replacement contract.

5.5 Sex

Consultation is not always appropriate in this area, however feedback from persons in custody is collated with regards to the current service provision which will continue with the replacement contract.

5.6 Sexual Orientation

Consultation is not always appropriate in this area, however feedback from persons in custody is collated with regards to the current service provision which will continue with the replacement contract.

5.7 Transgender

Consultation is not always appropriate in this area, however feedback from persons in custody is collated with regards to the current service provision which will continue with the replacement contract.

6. Conclusions

Taking into account the results of the monitoring, research and consultation, set out how the policy impacts or could impact on people from the following protected groups? (Include positive and/or negative impacts)

6.1 Age

The procurement process has paid due diligence to this subject area and aligns to the NHS England specification for the care of detainees in custody

6.2 Disability

The procurement process has paid due diligence to this subject area and aligns to the NHS England specification for the care of detainees in custody

6.3 Race

The procurement process has paid due diligence to this subject area and aligns to the NHS England specification for the care of detainees in custody

6.4 Religion or Belief

The procurement process has paid due diligence to this subject area and aligns to the NHS England specification for the care of detainees in custody

6.5 Sex

The procurement process has paid due diligence to this subject area and aligns to the NHS England specification for the care of detainees in custody

6.6 Sexual Orientation

The procurement process has paid due diligence to this subject area and aligns to the NHS England specification for the care of detainees in custody

6.7 Transgender

The procurement process has paid due diligence to this subject area and aligns to the NHS England specification for the care of detainees in custody

7. Decisions

If the policy will have a negative impact on members of one or more of the protected groups, explain how the policy will change or why it is to continue in the same way.

If no changes are proposed, the policy needs to be objectively justified.

The replacement contract should not have an adverse impact on the protected groups and it is anticipated that further improvements in this area will be implemented with a focus on; integrated care pathways with third party providers, reducing reoffending and a youth pathways.

8. Monitoring arrangements

If the policy is new what consideration has been given to piloting the policy?

If monitoring is not already in place what arrangements have been made to monitor the effects of the policy on equality and diversity?

This is an ongoing service which is already closely managed by the Head of Custody and a Commercial resource. It is anticipated that a similar contract and performance monitoring regime will continue which will include monthly meetings and performance reports.

This equality impact assessment will be published on the SC website.

EIA Form Dated
01/08/2018