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Tender

## **Independent Clinical Reviews into Deaths in Custody, on behalf of NHS England (NHSE) Health and Justice South East**

NHS England

F21: Social and other specific services – public contracts

Contract notice

Notice identifier: 2022/S 000-032398

Procurement identifier (OCID): ocds-h6vhtk-0384a9

Published 15 November 2022, 3:24pm

### **Section I: Contracting authority**

#### **I.1) Name and addresses**

NHS England

Oakley Road

Southampton

SO16 4GX

#### **Contact**

Evan Williams

#### **Email**

[Scwcsu.procurement@nhs.net](mailto:Scwcsu.procurement@nhs.net)

#### **Country**

United Kingdom

**Region code**

UKJ32 - Southampton

**Justification for not providing organisation identifier**

Not on any register

**Internet address(es)**

Main address

<https://www.england.nhs.uk/>

Buyer's address

<https://health-family.force.com/s/Welcome>

**I.3) Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at

<https://health-family.force.com/s/Welcome>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://health-family.force.com/s/Welcome>

**I.4) Type of the contracting authority**

Body governed by public law

**I.5) Main activity**

Health

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**Section II: Object**

## **II.1) Scope of the procurement**

### **II.1.1) Title**

Independent Clinical Reviews into Deaths in Custody, on behalf of NHS England (NHSE) Health and Justice South East

Reference number

C103502

### **II.1.2) Main CPV code**

- 85000000 - Health and social work services

### **II.1.3) Type of contract**

Services

### **II.1.4) Short description**

NHS England South East (NHSE SE) is seeking a Provider who has the capability and capacity to undertake independent investigations into the deaths, due to any cause, of prisoners in secure and detained settings across the South East region. This includes Thames Valley, Isle of Wight, Hampshire, Sussex, Kent and Surrey.

The purpose of the clinical review is to assess the healthcare the deceased received whilst in custody and the review will form part of the Prison and Probation Ombudsman (PPO) investigation and subsequent PPO report.

The clinical review includes past and current medical history and any significant clinical events leading up to the death of the individual, and particularly examines and assesses the equivalence of quality of care and access to care in custody as compared to what the individual could have expected in the community.

### **II.1.5) Estimated total value**

Value excluding VAT: £1,458,000

### **II.1.6) Information about lots**

This contract is divided into lots: No

## **II.2) Description**

### **II.2.3) Place of performance**

NUTS codes

- UKJ - South East (England)

### **II.2.4) Description of the procurement**

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The aims of the Service are:

- To provide high quality reviews into deaths in custody;
- To identify opportunities for learning and service improvement;
- To work effectively in partnership with stakeholders including (but not necessarily limited to), the NHSE SE Health and Justice (H&J) Commissioners, SE H&J Nursing & Quality Team, PPO, Healthcare Providers, Custodial Providers - HM Prison and Probation Service (HMPPS), Youth Custody Service (YCS), HM Courts and Tribunals Service (HMCTS), and Private Operators and the Home Office (HO);
- To produce clinical reviews that are accessible and meaningful for family members of the deceased as well as healthcare professionals;
- To support the overall PPO investigation process into deaths in custody.

The service will be provided following the death in custody or detention of inmates and detainees within the South East Detained Estates establishments as listed below:

- Prisons
- Young Offenders' Institutions (YOIs)

- Secure Training Centres (STCs)
- Secure Schools
- Immigration Removal Centres (IRCs),
- Short-Term Holding Centres
- Detainees being moved under escort, including to & from Court Premises
- Any other setting deemed appropriate by Commissioners

For a list of establishments which currently fall within scope (subject to change during the life of the contract, at Commissioner discretion), please see attached document.

The estimated whole life contract value is £1,458,000. This is based on the highest estimated number of clinical reviews that will be undertaken annually. Payments will be made based on an hourly rate of £81.00, plus expenses.

The contract term will be for 3 years, with the option to extend for a further 3 years.

The new contract is due to commence immediately after the contract award decision is confirmed (and following the standstill period), anticipated to be mid/late February 2023. Please note that this date is subject to change.

Interested providers will be able to view this notice via the 'Live Opportunities' list on the e-procurement system, Atamis, available on the following link: <https://health-family.force.com/s/Welcome>

This procurement is being carried out by NHS South, Central and West Commissioning Support Unit (SCW) on behalf of the Commissioners.

## **II.2.7) Duration of the contract or the framework agreement**

Duration in months

72

## **II.2.14) Additional information**

The services are healthcare services falling within Schedule 3 to the Public Contracts Regulations 2015 ("the Regulations"), which are not subject to the full regime of the Regulations, but are instead governed by the "Light Touch Regime" contained within Chapter 3, Section 7 of the Regulations (Regulations 74 to 77).

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## **Section IV. Procedure**

### **IV.1) Description**

#### **IV.1.1) Form of procedure**

Open procedure

### **IV.2) Administrative information**

#### **IV.2.2) Time limit for receipt of tenders or requests to participate**

Date

4 January 2023

Local time

12:00pm

#### **IV.2.4) Languages in which tenders or requests to participate may be submitted**

English

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## **Section VI. Complementary information**

### **VI.3) Additional information**

Clinical Reviewer/s will be expected to conduct three levels of review. These levels are determined by the methodology required of the investigation NOT the type or cause of death. These levels are:

Level 1 - Single Clinical Reviewer carrying out a desk-based review of records and report may include telephone calls to the healthcare service for clarification. This is predominantly used for natural cause deaths where in an initial review of the healthcare records no issues are identified that would necessitate interviewing staff.

Level 2 -Single Clinical Reviewer carrying out a review of records, interviews with healthcare staff at the establishment and report. Self-inflicted deaths can involve individuals with complex health needs and may require additional subject matter expertise for a particular element of their healthcare.

Level 3 - Complex healthcare with multi-disciplinary input requiring a multidisciplinary team review, with a lead reviewer, to review records and interview relevant staff i.e. forensic psychologist or psychology services.

While the duration required for each review is subject to the level of the review required, in most cases, this can range from 2-3 days for a Level 1 to 4-6 days for a Level 2 (all days indicative). For Level 3, this would be subject to agreement on a case by case basis.

The services are healthcare services falling within Schedule 3 to the Public Contracts Regulations 2015 ("the Regulations"), which are not subject to the full regime of the Regulations, but are instead governed by the "Light Touch Regime" contained within Chapter 3, Section 7 of the Regulations (Regulations 74 to 77).

The tendering process will be conducted in accordance with the requirements and flexibilities provided by Articles 74 to 76 of the Directive, and Regulations 74 to 76 of the Regulations. The Authority will run a transparent tender process, treating all Bidders equally. For the avoidance of doubt, the Authority will not be bound by the Regulations or the Treaty on the Functioning of the European Union or any other regulations or legislation except for the specific parts or circumstances that apply to the procurement of these Services.

Neither the inclusion of a Bidder selection stage, nor the use of any language or terms found in the Directive or Regulations, nor the description of the procedure voluntarily adopted by the Authority ("Open", "Restricted", "Competitive Procedure with Negotiation", "Competitive Dialogue" or any other description), nor any other indication, shall be taken

to mean that the Authority intends to hold itself bound by the Directive or Regulations, save by the provisions applicable to services coming within the scope of Annex XIV of the Directive / Schedule 3 of the Regulations.

#### **VI.4) Procedures for review**

##### **VI.4.1) Review body**

High Court in London

London

Country

United Kingdom

##### **VI.4.3) Review procedure**

Precise information on deadline(s) for review procedures

As described in VI.3, deadline for lodging of appeals should be in accordance with Regulation 87 and Regulation 91 of the 2015 Regulations.