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Tender

Provision of Deprivation of Liberty Safeguards (DoLS) Assessment Services

Nottinghamshire County Council
Nottingham City Council

F21: Social and other specific services – public contracts

Contract notice

Notice identifier: 2022/S 000-036631

Procurement identifier (OCID): ocds-h6vhtk-039469

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Section I: Contracting authority

I.1) Name and addresses

Nottinghamshire County Council

County Hall, West Bridgford

Nottingham

NG2 7QP

Contact

Catherine Flint

Email

catherine.flint@nottscc.gov.uk

Telephone

+44 1159772009

Country

United Kingdom

Region code

UKF1 - Derbyshire and Nottinghamshire

Internet address(es)

Main address

<http://www.nottinghamshire.gov.uk>

Buyer's address

<http://www.nottinghamshire.gov.uk>

I.1) Name and addresses

Nottingham City Council

Nottingham

Contact

Melody Hinds

Email

melody.hinds@nottinghamcity.gov.uk

Country

United Kingdom

Region code

UKF1 - Derbyshire and Nottinghamshire

Internet address(es)

Main address

<https://nottinghamcity.gov.uk>

I.2) Information about joint procurement

The contract involves joint procurement

I.3) Communication

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

<http://www.eastmidstenders.org>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<http://www.eastmidstenders.org>

I.4) Type of the contracting authority

Regional or local authority

I.5) Main activity

General public services

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Provision of Deprivation of Liberty Safeguards (DoLS) Assessment Services

Reference number

DN643052

II.1.2) Main CPV code

- 85000000 - Health and social work services

II.1.3) Type of contract

Services

II.1.4) Short description

Nottinghamshire County Council is seeking a suitably experienced single provider to deliver Deprivation of Liberty Safeguards (DoLS) Assessment Services using a Framework Agreement.

The Framework Agreement will replace an existing Framework Agreement which has expired and will be available for use by the following Customers:

- Nottinghamshire County Council
- Nottingham City Council

The Deprivation of Liberty Safeguards (DoLS) provide a legal framework for the deprivation of liberty for people who lack mental capacity to make decisions about their care arrangements themselves. They apply to people who are in hospital or residential/nursing care and who are subject to restrictions and restraints in their lives, for example, not being free to leave or requiring continual supervision. Local Authorities are required to arrange an Assessment of their circumstances to determine whether the care provided is in their best interests to protect them from harm, whether it is proportionate and to determine if there is a less restrictive alternative

The Provider may be asked to complete all six elements of the Best Interests Assessment or specific elements depending on the requirements. The six elements in scope are:

- Age Assessment
- No refusals Assessment
- Mental capacity Assessment
- Mental health Assessment
- Eligibility Assessment
- Best Interests Assessment

Liberty Protection Safeguards (LPS) - The Government has set out plans to replace Deprivation of Liberty Safeguards with Liberty Protection Safeguards, although the finalised Code of Practice and timetable for implementation are still awaited. The framework specification has therefore been developed to maintain arrangements for the provision of assessment in respect DoLS until such time as Liberty Protection Safeguards

are implemented. The purpose of Liberty Protection Safeguards are consistent with those of DoLS and there will be a preference to utilise this Framework Agreement to continue to meet the Customers' statutory requirements for safeguarding people whose liberty is being restricted. Once the future requirements of LPS are clear, this Framework Agreement will be reviewed and consideration given to whether delivery of the new requirements within this Framework Agreement is permissible and, if so, what amendments to the specification would need to be made.

II.1.6) Information about lots

This contract is divided into lots: No

II.2) Description

II.2.3) Place of performance

NUTS codes

- UKF1 - Derbyshire and Nottinghamshire

II.2.4) Description of the procurement

The purpose of this single provider Framework Agreement is to define a strong working relationship between the Customers (Nottinghamshire County Council and Nottingham City Council) and the selected Provider, and to enable these Customers to Call Off, against the Framework Agreement, Assessment capacity, which will support the Customers to meet DoLS duties, through the delivery of:

- a managed, 'end-to-end' service for DoLS Assessments
- a flexible approach to deliver different elements of the DoLS requirements
- a responsive approach to meet the numbers of Assessments required by the Customers
- a robust approach to quality

The Provider may be asked to complete all six elements of the Best Interests Assessment or specific elements depending on the requirements. The six elements in scope are:

- Age Assessment – confirming whether the Relevant Person is 18 or over.
- No refusals Assessment – establishing whether an authorisation would conflict with other existing authority for decision-making for that person, such as an advance decision to refuse treatment under the Mental Capacity Act 2005.

- Mental capacity Assessment – establishing whether the Relevant Person lacks capacity to decide whether or not they should be accommodated in the relevant hospital or care home to be given care.
- Mental health Assessment – determining whether the Relevant Person has a mental disorder within the meaning of the Mental Health Act 1983. This is not an Assessment to determine whether the person requires mental health treatment – the objective is to ensure that the Relevant Person is medically diagnosed as being of “unsound mind”.
- Eligibility Assessment – relating specifically to the Relevant Person’s status, or potential status, under the Mental Health Act 1983. A Relevant Person is eligible unless they are:
 - Detained under the Mental Health Act 1983
 - Subject to an obligation placed on them under the

Mental Health Act 1983, such as a guardianship order
requiring them to live somewhere else.

Or

- If the proposed authorisation relates to a deprivation of liberty in a hospital wholly or partly for the purpose of treatment of a mental disorder, the Relevant Person will be eligible unless: They object to being admitted to hospital, or to some or all the treatment, and They meet the criteria for an application for admission under section 2 or section 3 of the Mental Health Act 1983.

Call-offs

In order to use the Framework a Customer (Nottinghamshire County Council or Nottingham City Council) will Call Off Services by placing a Call Off Order for a block value of Assessment activity. Should the value of that Call Off Order be exhausted within the Call Off period, further Call Off Orders can be placed.

Best Interests Assessors completing Assessments under this Framework Agreement must have at least two years’ post qualification experience and must have twelve months’ post BIA qualification experience working as a BIA.

The Provider’s quality assurance lead will have at least two years’ post qualification experience and will have at least two years’ post BIA qualification experience working as a BIA.

Section IV. Procedure

IV.1) Description

IV.1.1) Form of procedure

Open procedure

IV.1.3) Information about a framework agreement

The procurement involves the establishment of a framework agreement

In the case of framework agreements, provide justification for any duration exceeding 4 years:

IV.2) Administrative information

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

Date

6 February 2023

Local time

12:00pm

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

English