



# EXECUTIVE BOARD DECISION

<b>REPORT OF:</b>	Executive Member for Health and Adult Social Care (Please Select) (Please Select...)
<b>LEAD OFFICERS:</b>	Director of Adult Social Services (DASS) Director of Public Health
<b>DATE:</b>	11 <sup>th</sup> August 2016

<b>PORTFOLIO/S AFFECTED:</b>	Health and Adult Social Care
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<b>WARD/S AFFECTED:</b>	All
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<b>KEY DECISION:</b>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
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<b>SUBJECT:</b> Decision to award following procurement exercise for statutory advocacy services: The tender comprised two lots: Lot 1: for Independent Mental Capacity Advocacy, Deprivation of Liberty, Relevant Persons Representative, Independent Mental Health Advocacy and Care Act Advocacy. Lot 2: Independent Health Complaints Advocacy
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## 1. EXECUTIVE SUMMARY

The purpose of this report is to recommend that the Executive Board approves the award of the contract for Advocacy from 1<sup>st</sup> September 2016, to the successful bidder, subject to the agreement of a detailed transfer and delivery implementation plan.

## 2. RECOMMENDATIONS

That the Executive Board:

1. Approves the award of the contract for NHS Independent Health Complaints Advocacy to the successful bidder.
2. Approves the award of the contract for Independent Mental Capacity Advocacy, Deprivation of Liberty, Relevant Persons Representative, Independent Mental Health Advocacy and Care Act Advocacy to the successful bidder.
3. Notes that the Services will commence following the transfer of cases from the current providers, for a period of 3 years, subject to a plan being developed and implemented by the provider, and agreed by the commissioner, for the safe TUPE of staff, and transfer of cases. The level of funding is set for the first year, but subject to renegotiation in years two and three.

## 3. BACKGROUND

A paper was presented to Adults Senior Leadership team in November 2015 requesting permission to go out to procurement, as the existing contracts were coming to an end, and arrangements to commission jointly with LCC were being dismantled.

A procurement exercise was undertaken via the CHEST. The successful bidder gained the highest scores for both Lot 1 and Lot 2

There would be benefits to Blackburn with Darwen Borough Council consolidating all advocacy services under one contract, in terms of Contract Monitoring and continuity of provision for service users who move from one category of advocacy to another.

Through the appointment of a single provider for both contract lots, it would also be possible for the provider to flex its resources to ensure that demand can be managed effectively across the different strands, and also when capacity permits, to deliver a non-statutory advocacy provision.

#### **4. KEY ISSUES**

There is a high demand for IMCA and DOLS advocacy, due to recent court rulings about Deprivations of Liberty for anyone with 24 hour supervision. The Care Act has introduced new duties on the Authority, to ensure that any adult or young person in transition, who needs assistance to actively participate in the assessment and support planning process, but who has no appropriate informal support (such as a friend or relation), are provided with an independent advocate to ensure that they can participate fully.

It is intended that the performance and capacity of the provider will be actively managed, and monitored. The detail of this performance management will be agreed with the successful bidder prior to the contract commencement.

As the successful bidder is not the incumbent provider, a period of planning will be put in place prior to the start date to ensure an effective and appropriate handover.

#### **5. POLICY IMPLICATIONS**

The award of these separate strands of advocacy to a single provider will simplify the contractual arrangements, the governance and monitoring. It may also derive economies of scale which can be used to ensure that resources are used to provide more statutory advocacy, rather than being taken up with management costs. These benefits are in accordance with departmental and council policies to make the most efficient use of resources.

The nature of professional advocacy and the services provided have been determined by statutory responsibilities, some of which have passed over from the National Health Service to the Local Authority since 2013. This contract would be for these statutory services which must be provided by skilled, experienced advocates. The successful bidder scored highest across both contracts, and demonstrated a high level of knowledge and expertise. They already deliver advocacy in other localities, and are part of the Blackburn with Darwen Health and Wellbeing Consortium.

#### **6. FINANCIAL IMPLICATIONS**

The resources committed to this procurement for year one, are the same as are currently committed for this statutory provision. . It is noted in the tender that the contract values will be subject to renegotiation and may change in years two and three.

#### **7. LEGAL IMPLICATIONS**

All of the current spend on Advocacy provision is for statutory provision to meet specific legislative duties. The service specification has been drafted to ensure that the new provider is mandated to provide as a minimum, the Statutory services. Due to the value of the contract and in order to comply with the EU and Council's contract procedure rules, the tender process has been conducted through the CHEST procurement vehicle. TUPE will apply to any employees currently working for the incumbent provider.

#### **8. RESOURCE IMPLICATIONS**

The resources required to implement this award will be derived from the Strategic Commissioning (People) team.

#### **9. EQUALITY AND HEALTH IMPLICATIONS**

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3  In determining this matter the Executive Board members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

## 10. CONSULTATIONS

Residents of the borough were involved in the clarification meetings with providers, and had the opportunity to ask questions of the providers who had bid.

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

<b>VERSION:</b>	<b>0.1</b>
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<b>CONTACT OFFICER:</b>	<b>Alison Westwood</b>
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<b>DATE:</b>	9 <sup>th</sup> June 2016
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<b>BACKGROUND PAPER:</b>	
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