

Report of Head of Commissioning

Report to Director of Adult Social Services

Date: 19th November 2015

Subject: To request approval for a contract extension under Contracts Procedure Rules 21.1 for the Advocacy Support and Services Contract (Advonet consortium), reference number: YORE-96DJ4Q, for 1 x 12 month period from 1st April 2016 to 31st March 2017

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| Are specific electoral Wards affected? If relevant, name(s) of Ward(s): | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Is the decision eligible for Call-In? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Summary of main issues

1. This report seeks approval for a 1 x 12 month extension period to the Advocacy Support and Services Contract reference YORE-96DJ4Q. This optional extension period was built into the original contract for the service.
2. The current contract has been in place for 3 years from 1st April 2013 to 31st March 2016. It is jointly funded by ASC and the CCGs via a section 256 agreement. In addition there is funding from central government for some of the statutory elements of the service – namely Independent Mental Health Advocates (IMHA) and the NHS complaints advocacy service (LIHCA). Throughout the duration of the contract good progress has been made in developing and maintaining the service in line with the service specification and additional requirements.
3. The original contract award was for a 3 year period with the option to extend for a further 2 x 12 month periods.
4. Early intervention and preventative services have a key role in provision, with advocacy being a crucial tool in implementing and supporting the personalisation agenda. Enabling the customer to genuinely have more choice and control will inevitably increase the demand for advocacy, as will the current legal context, particularly in such areas as mental health and capacity. Effective advocacy also supports the 5 aspirations for service users highlighted in The White Paper: Caring for Our Future. These are that everyone receiving care can say the following:

- I am supported to maintain my independence for as long as possible
- I understand how care and support works, and what my entitlements and responsibilities are
- I am happy with the quality of my care and support
- I know that the person giving me care and support will treat me with dignity and respect
- I am in control of my care and support

Recommendations

1. The Director of Adult Social Services is recommended to approve the first 1 x 12 month extension of the current contract for Advocacy Support and Services with the Advonet consortium (reference YORE-96DJ4Q). The extension will commence 1st April 2016 and run until 31st March 2017. The annual contract value is £1,048,289 and provisions are available to cover this within the Adult Social Care and CCG budgets.
2. The Commissioning Officer will liaise with the Programmes Projects and Procurement Unit (PPPU) to oversee the implementation of the extension before expiry of the existing contract on 31st March 2016.

1. Purpose of this report

- 1.1 To seek approval from the Director of Adult Social Services to action a 12 month extension to the Advocacy Support and Services Contract in line with Contract Procedure Rule 21.1 - to commence 1st April 2016 until 31st March 2017. This provision is within the existing Advonet consortium contract YORE-96DJ4Q

2. Background information

In May 2011 following detailed engagement with advocacy services, including service users, providers were invited to attend an Options Appraisals event to consider the ways in which short term, issued based, independent advocacy services could be commissioned. This was undertaken in partnership between ASC Commissioning and NHS Leeds who were commissioning this type of advocacy service at that time. The preferred model was to bring together ASC and NHS funding for existing advocacy services and jointly commission an advocacy consortium with a single, as well as multiple, points of access, which the provider has since introduced. Another key function of this model was to offer infrastructure support, training and information to other advocacy organisations.

In addition to directly delivering independent, short term issue based advocacy to all user groups, this service also provides the following statutory advocacy services: Independent Mental Health Advocate (IMHA) and NHS Complaints Advocacy Service (LIHCA). The funding for these two services comes to the Council from Central government. However, the funding for the LIHCA service was initially only guaranteed until 2015. Consequently, the overall contract value may reduce if this specific funding is reduced, although as yet this has not happened.

- 2.1 After a market sounding exercise resulted in minimal competition, a waiver report was submitted to the Delegated Decision Panel in October 2012 seeking approval to award a contract to the Advonet consortium for a period of three years from 1st April 2013 to 31st March 2016. In addition, the award included the option to extend for a further 2 x 12 month periods.
- 2.2 More recently the advent of the Care Act has meant the Advonet consortium has had to respond to the demand created by the Councils new duty to provide independent advocacy. They have done so expediently and efficiently. In addition the Advonet consortium is providing support, as required, to any users and carers affected by the Councils Better Lives programme.

3. Main issues

- 3.1 The Advocacy Support and Services Contract provides both statutory and non-statutory advocacy for the people of Leeds. This has been competently delivered to date through the contracting arrangement held with the Advonet consortium.
- 3.2 The consortium continues to submit ongoing monitoring in line with the service specification and engages well with contracting staff.
- 3.3 Funding allocation for the contract is £1,048,289 pa. Prior to the 2013-14 financial year the annual value of the contract stood at approximately £1,086,000 so an efficiency of 5% had been made on the non-statutory elements of the service.

4. Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Prior to the contract commencement for this service a range of stakeholders were involved in the development of the Advocacy Support and Services Contract.
- 4.1.2 The outcomes of the consultation and engagement activity informed the production of the service specification.
- 4.1.3 The contract is monitored by a nominated Contracts Officer who is satisfied that the service is meeting the expectations of the service specification and supports the organisation in developing ongoing initiatives.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An Equality, Diversity, Cohesion and Integration Screening has been completed (Appendix 1) to cover the extension period. The screening toolkit demonstrates that the service meets the desired equality requirements.
- 4.2.2 The provider has appropriate policies and procedures in place.

4.3 Council policies and Best Council Plan

- 4.3.1 The commissioning of this service supports aims highlighted in the Leeds City Council Best Council plan 2015-2020. In particular the objectives “Supporting communities and tackling poverty” and “Delivering the better lives programme”.

4.4 Resources and value for money

- 4.4.1 The total value of this contract extension is £1,048,289
- 4.4.2 There will be some resource implications in terms of monitoring and reviewing the contract in order to ensure the service continues to meet statutory requirements and the necessary outcomes. These resources will be provided from within existing hours in the Adult Social Care commissioning and contracts team.
- 4.4.3 In 2013 -14 an efficiency saving of 5% of the annual contract value for the non-statutory elements of the service was successfully negotiated with the Advonet consortium for that year.
- 4.4.4 The Advonet consortium have needed to respond to new Local Authority requirements for advocacy provision under the Care Act within existing resources, The impact of which could be enormous as it includes offering Advocacy to any adult, who meets the Care Act criteria, to enable them to be involved in assessment, care planning and review processes. This includes Carers and prisoners amongst others. In addition Advonet have needed to provide advocacy for people who are potentially affected by the Councils Better Lives programme – again within existing resources. Adding these issues to the fact that Advonet have already made great improvements to the “Advocacy Offer” for the people of Leeds demonstrates value for money through this contract.

- 4.4.5 The funding for this contract is held by Adult Social Care and has been approved by Adult Social Care Finance. The NHS funding is also confirmed through the s256 agreement. This budget will be monitored throughout the year. However, it should be noted that the funding for the LIHCA service was initially only guaranteed until 2015. Therefore, should this be reduced the overall contract value would need to reduce accordingly. As yet, there is no suggestion from Central government that this is going to happen. However, this point will be reiterated in the Contract extension letter to the provider.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The decision highlighted in this report will be taken by the Director of Adult Social Services in line with the officer delegation scheme as detailed in Part 3 of the Council's Constitution.
- 4.5.2 As the overall value of this decision exceeds £250,000 and the impact of the decision will have a significant effect on all wards this decision is subject to call in.
- 4.5.3 The recommendation to approve the first 12 month extension covered by this report has been included in the Forward Plan.

4.6 Risk Management

- 4.6.1 The previous contracting process was conducted in accordance with the Council's Contract Procedure Rules.
- 4.6.2 If the extension is not approved there is a risk that the existing services will cease and service users will no longer be able to access this service.
- 4.6.3 This contract incorporates some statutory advocacy services and the Council has a duty to facilitate this provision. Should this extension not be approved the Council may not fulfil its statutory requirements.

5. Conclusions

- 5.1 By granting this extension period continuity in service provision will be maintained and statutory obligation adhered to.
- 5.2 The 12 month extension period is the first of two potential extension periods built into the contract and is in accordance with Contract Procedure Rule 21.1.
- 5.3 A Commissioning Officer will oversee implementation of the contract in conjunction with the Programmes Projects and Procurement Unit (PPPU) and the service will be subject to robust contract monitoring and on-going review.

6 Recommendations

- 6.1 The Director of Adult Social Services is recommended to approve the first 1 x 12 month extension of the current contract for Advocacy Support and Services with the Advonet consortium (reference YORE-96DJ4Q). The extension will commence 1st April 2016 and run until 31st March 2017. The annual contract value is £1,048,289 and provisions are available to cover this within the Adult Social Care and CCG budgets.

6.2 The Commissioning Officer will liaise with Programmes Projects and Procurement Unit (PPPU) to oversee the implementation of the extension before expiry of the existing contract on 31st March 2016.

7. Background documents¹:

7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.