

**Report of Interim, Deputy Director of Commissioning**

**Report to Director of Adult Social Services**

**Date: 15th March 2017**

**Subject: To request approval for a contract extension under Contracts Procedure Rules 21.1 Contracts Extension - for the Independent Mental Capacity Advocate Service (Advonet), reference number: YORE-992LML, for 1 x 12 month period from 1st April 2017 to 31st March 2018.**

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 type="checkbox"/> Yes	<input checked="" 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 Independent Mental Capacity Advocate Service (Advonet) YORE-992LML. This is the first of two optional extension periods which were built into the original contract for the service.
2. The original contract award was for 3 years from 1<sup>st</sup> April 2014 to 31<sup>st</sup> March 2017 with 2 x optional 12 months extension periods. 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.

**Recommendations**

3. The Director of Adult Social Services is recommended to approve the 1 x 12 month extension of the current contract under Contracts Procedure Rules 21.1 for the Independent Mental Capacity Advocate Service (Advonet), reference number: YORE-992LML, The extension will commence 1<sup>st</sup> April 2017 and run until 31<sup>st</sup> March 2018. The annual contract value is approx. £246,000 and provisions are available to cover this within existing budgets.

4. The Commissioning Officer will liaise with the Projects Programmes and Procurement Unit (PPPU) to oversee the implementation of the extension of the existing arrangements before the expiry of the existing contract on 31<sup>st</sup> March 2017.

## **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 Independent Mental Capacity Advocate Service (Advonet), reference number: YORE-992LML in line with Contract Procedure Rule 21.1 - to commence 1<sup>st</sup> April 2017 until 31<sup>st</sup> March 2018. This provision is within the existing contract.

## **2. Background information**

- 2.1 The Council has had a contract with Advonet to deliver IMCA services in Leeds since April 2014. The Mental Capacity Act (MCA) makes it a legal requirement for Service Users lacking mental capacity to have independent advocacy when there is no one else to speak for them. IMCAs must be provided when decisions are being made regarding serious medical treatment (SMT), or to arrange accommodation or a change of accommodation in hospital or a care home and the Service User will stay in hospital longer than twenty eight (28) days, or they will stay in the care home for more than eight (8) weeks. An Independent Mental Capacity Advocate (IMCA) may also be instructed for care reviews and adult safeguarding.
- 2.2 Local authorities are required to commission an IMCA service from independent organisations.

## **3. Main issues**

- 3.1 The Independent Mental Capacity Advocacy Contract provides statutory IMCA advocacy for the people of Leeds. This has been competently delivered to date through the contracting arrangement held with Advonet.
- 3.2 Advonet continues to submit ongoing monitoring in line with the service specification and engages well with contracting staff.
- 3.3 Indicative funding allocation for the contract is £246,000 pa. The budget is indicative because this is a statutory service and therefore the service must respond to the level of demand. The provider invoices the Council based on activity. This contract also includes Deprivation of Liberty DoLs and Relevant Persons Representative (RPR) provision. Provisions are available to cover this within ASC budgets.

## **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 this 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.

4.1.4 A review was undertaken in 2016 which involved extensive consultation with service users, staff, volunteers and other stakeholders. Feedback was very positive.

## **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".

4.3.2 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

## **4.4 Resources and value for money**

4.4.1 The indicative total value of this contract extension is £246,000.

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 the Adult Social Care commissioning and contracts team.

4.4.3 The funding for this contract is held by Adult Social Care within Commissioning & Contracts (£225k) and £70k within Access & Care (DoLs) for 2017/18. This budget will be monitored throughout the year.

4.4.4 A full service review has been undertaken in 2016 which showed that the service was meeting its outcomes and demonstrates value for money.

## **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 does not exceed £250,000 and the impact of the decision will not have a significant effect on all wards, this is a significant operational decision and is therefore not subject to call in.

## **4.6 Risk Management**

4.6.1 The previous contracting process was conducted in accordance with the Council's Contract Procedure Rules.

4.6.3 This contract incorporates a statutory advocacy service and the Council has a duty to facilitate this provision. Should this extension not be approved the Council will not fulfil its statutory requirements and service users will no longer be able to access this service.

## **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 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 1 x 12 month extension of the current contract under Contracts Procedure Rules 21.1 for the Independent Mental Capacity Advocate Service (Advonet), reference number: YORE-992LML, The extension will commence 1st April 2017 and run until 31st March 2018. The annual contract value is approx. £246,000 and provisions are available to cover this within existing budgets.

6.2 The Commissioning Officer will liaise with the Programmes Projects and Procurement Unit (PPPU) to oversee the implementation of the extension of the existing arrangements before the expiry of the existing contract on 31st March 2017.

## **7. Background documents<sup>1</sup>**

7.1 None

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<sup>1</sup> 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.