

**Report of Interim Chief Officer, Commissioning**

**Report to Director of Adult Social Services**

**Date: 15<sup>th</sup> February 2017**

**Subject: To seek approval to procure future advocacy services during the 12 month extension period of the Advonet contract (YORE-96DJ4Q) 1st April 2017- 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 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 to procure future advocacy services during the 12 month extension period of the current advocacy contract which is delivered by Advonet (YORE-96DJ4Q) 1st April 2017- 31st March 2018
2. The original contract award was for 3 years from 1<sup>st</sup> April 2013 to 31<sup>st</sup> March 2016 with 2 x optional 12 months extension periods. One of these has been utilised for the year 2016/17. It is jointly funded by ASC and the CCGs via a section 256 agreement. In addition, there is funding from central government for some 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. A service review has been undertaken, the recommendations from which were supported at the Commissioning and Programme managers meeting. Part of the extension period will be used to define the future service model and therefore inform the procurement process.
4. The second extension period from April 2017 – March 2018 was agreed in December 2016. DDN Reference number D43976
5. A procurement exercise will need to take place during the final extension period to ensure appropriate advocacy provision after April 2018.

## **Recommendations**

6. The Director of Adult Social Services is recommended to authorise Commissioning Officers to commence a re-procurement of advocacy services between 1st April 2017 and March 31st 2018 with the new contract starting on 1st April 2018, with an estimated annual budget of £1,001,228.
7. The Commissioning Officer will liaise with PPPU regarding the procurement exercise to ensure CPRs, and due process, are adhered to.
8. The Director of Adult Social Services will use her delegated authority to take commissioning decisions which will be a direct consequence of this key decision, for example approval of the detailed specifications for procurement and subsequent contract awards. These will be significant operational decisions. This is subject to the decisions being in line with the key principles and features as described in the report.

## **1. Purpose of this report**

To seek approval to procure future advocacy services during the final 12 month extension period of the current advocacy contract that is delivered by Advonet contract (YORE-96DJ4Q) 1st April 2013- 31st March 2018

## **2. Background information**

- 2.1 The Council has had a contract with Advonet to deliver advocacy services in Leeds since April 2013. Whilst the contract has always been with Advonet, they in turn subcontract with a number of other advocacy organisations. Initially, this was made up of a consortium of four organisations: Advonet, Leeds Advocacy, A4MH&D and Advocacy support, plus an additional three subcontracted organisations: Age UK Leeds, Cloverleaf and Leeds Black Elders Association (LBEA). However, the four consortia organisations merged in April 2015 to form one organisation called Advonet who continue to subcontract with the other three. The Councils contractual arrangement remains with Advonet and they are responsible for all aspects of contract delivery, including all contracted activity undertaken by the subcontracted 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), NHS Complaints Advocacy Service (LIHCA) and Care Act Advocacy. Advonet also provide Independent Mental Capacity Advocate (IMCA) service but this is under a separate contract. It may be worth looking at whether this service should also be included under a single advocacy contract in the future.
- 2.2 A service review was undertaken in 2016 which looked at all aspects of the existing service and contractual arrangements. The review concluded with a number of recommendations – including one to re commission advocacy services beyond the existing contract.

## **3. Main issues**

- 3.1 The Advocacy Support and Services Contract provides both statutory and issue based advocacy for the people of Leeds. This has been competently delivered to date through the contracting arrangement held with the Advonet consortium.
- 3.2 Funding allocation for the contract is currently £1,001,228 pa. This is from a starting point of £1,085,357.49 in 2013 so efficiencies have already been made on the issue based elements of the service. The possibility of further efficiencies will be considered as part of the service model development and procurement exercise.
- 3.3 A procurement exercise will need to take place during the final extension period of the current contract to ensure appropriate advocacy provision from April 2018.

## **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 about the current service was very positive.

## **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 An Equality, Diversity, Cohesion and Integration Screening Tool 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 existing value of this contract is £1,001,228pa.
- 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 staffing in the Adult Social Care commissioning and contracts team.
- 4.4.3 The contract is currently funded by the CCGs (£247k), Government Grant (£199k) and LCC (£555k). At this stage it is not considered that any of these funding streams are at risk. However, if during the procurement process it is identified that external funding reduces, then appropriate measures will be taken.
- 4.4.4 The Advonet consortium has responded to new Local Authority requirements for advocacy provision under the Care Act within existing resources. In addition,

Advonet have provided 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. This has also meant the service model has evolved over time to meet the advocacy needs of the people of Leeds. As such there is a need to ensure this model is future proofed and commission advocacy services that continue to meet the statutory requirements of ASC and the advocacy needs of the city.

- 4.4.5 A full service review has been undertaken in 2016 which showed that the service was meeting its outcomes and providing 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 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 procurement covered by this report has been included in the Forward Plan. As this is a key decision, future decisions arising from this report i.e. decision to award a contract will be significant operational decisions and therefore not be 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.
- 4.6.2 This contract incorporates some statutory advocacy services and the Council has a duty to facilitate this provision. Should this procurement not be approved the Council may not fulfil its statutory requirements.

### **5. Conclusions**

- 5.1 By granting authority to procure, continuity in service provision will be maintained and statutory obligations adhered to. Part of the extension period will be used to refine the service model prior to undertaking the procurement exercise to ensure appropriate provision, post April 2018.
- 5.2 The 12 month approved extension period is the second of two extension periods built into the contract and is in accordance with Contract Procedure Rule 21.1.
- 5.3 A Commissioning Officer will undertake the procurement exercise in conjunction with the Programmes Projects and Procurement Unit (PPPU) and the future commissioned 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 authorise Commissioning Officers to commence a re-procurement of advocacy services between 1st April 2017 and March 31st 2018 with the new contract starting on 1st April 2018, with an estimated annual budget of £1,001,228.
- 6.3 The Commissioning Officer will liaise with PPPU regarding the procurement exercise to ensure CPRs, and due process, are adhered to.
- 6.4 The Director of Adult Social Services will use her delegated authority to take commissioning decisions which will be a direct consequence of this key decision, for example approval of the detailed specifications for procurement and subsequent contract awards. These will be significant operational decisions. This is subject to the decisions being in line with the key principles and features as described in the report.
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.