

TO: EXECUTIVE DIRECTOR: PEOPLE, EXECUTIVE MEMBER FOR ADULT SERVICES, EXECUTIVE MEMBER FOR CHILDRENS' SERVICES

26 APRIL 2022

CONTRACT AWARD REPORT: ALL AGE ADVOCACY SERVICE

1 PURPOSE OF REPORT

- 1.1 This report seeks approval to award a contract for the provision of All Age Advocacy support for adults and for children residing in the borough, and for ordinary residents of the borough who have been placed outside the borough for specialist care and support needs. The provision is for statutory and non-statutory advocacy support. This award is following a robust and collaborative procurement process.

2 RECOMMENDATION

- 2.1 That a contract for the Service, commencing on 1 October 2022 is awarded to Tenderer D, for an initial period of three years, with the option of a two further one year extensions to a maximum of five years (3+1+1 years) subject to satisfactory performance.

3 REASONS FOR RECOMMENDATION

- 3.1 To complete the procurement process for a provider of:
- a. Adult independent advocacy
 - b. Children and young people's independent advocacy
- 3.2 The anticipated benefits delivered through awarding the contract to Tenderer D will include:
- a. Advocacy support for all ages from one provider
 - b. Seamless transition for young people with ongoing advocacy needs, who are approaching adulthood
 - c. Simplified performance and quality monitoring for adults, and children and young people's advocacy

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The only alternative option considered was to award a single contract to a lead provider who could demonstrate a cohesive plan for working with partners to access aspects of the service which they cannot meet themselves.

5 SUPPORTING INFORMATION

Commissioning Ask

- 5.1 The All Age Advocacy service is designed to provide a streamlined, whole of life advocacy service which will support children from five years of age through their transition into adulthood and adult services, and into older age.

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- 5.2 The service allows for continuity of support from a known advocate where a person has longer term need of advocacy support, and also for step-down advocacy support via advocacy support groups for those whose advocacy needs are issue specific and time limited.
- 5.3 The service provides instructed and non-instructed advocacy support that is person-centred, and outcomes focussed.
- 5.4 The service provides the following types of advocacy support:
- Independent Mental Capacity Advocacy
 - Independent Mental Health Advocacy
 - Independent Health Complaints Advocacy
 - Independent Care Act Advocacy
 - Generic advocacy for Adults
 - Generic advocacy for Children and Young People, including but not limited to:
 - Children looked after
 - Young people leaving care
 - Children with Child Protection Plans
 - Children in Need
 - Young Carers
 - Children and young people wishing to make a complaint about their care
 - Homeless 16-17 year olds
- 5.5 The Council seeks to collaboratively work with a provider who:
- Is committed to working as a system partner within the social care system to deliver an all age advocacy service;
 - Values an open and collaborative culture;
 - Strives for excellence;
 - Delivers high quality, value for money, and person-centred services;
 - Has a commitment to continued improvement and personal feedback.

Tender

- 5.6 The procurement was subject to a full tender process in accordance with the Public Contracts Regulations 2015. The procurement was undertaken in accordance with the Strategic Procurement Plan which was approved by the Council's Executive in November 2021.
- 5.7 To generate interest and awareness across the wider advocacy market, the commissioning team actively contacted and engaged with providers to test the market and promote the upcoming opportunity. A market engagement workshop was held in December 2021.
- 5.8 The opportunity was advertised on the Find a Tender Service, South East Business Portal (SEBP) and Contracts Finder in January 2022. The deadline for tenderers to submit their tender was 28 February 2022.
- 5.9 The procurement included three evaluation stages:
- (1) A selection questionnaire, reference review and financial checks to determine providers' suitability and compliance,

- (2) The scoring of pricing and quality method statements, and
 - (3) A clarification presentation, where tenderers responded to specific questions. See Confidential Annex for more detail.
- 5.10 The Tender Evaluation Team was drawn up from the Council's Community Mental Health Team (CHMT), Community Mental Health Team for Older Adults (CMHTOA), Community Team for People with Learning Disabilities (CTPLD), Children's Services, and Strategic Commissioning Team. A Service User volunteer also assisted with the specification and at presentation stage.
- 5.11 Following the evaluation process, the Tender Evaluation Team conducted a final moderation on 22 March 2022, at which stage Tenderer D was identified as the successful tenderer, subject to approval.
- 5.12 It is recognised by the Tender Evaluation Team that, as a new service, collaborative working will be essential in the mobilisation and implementation of the contract. It is recommended that close monitoring of progress be made during the mobilisation phase and to ensure that all contributing teams work together to ensure readiness for contract start.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 Legal advice was sought on this procurement and it was confirmed that the process adheres to the Council's Contract Standing Orders and the Public Contract Regulations 2015.

Borough Treasurer

- 6.2 The financial value of the contract is likely to vary due to the new Liberty Protection Safeguards that are delayed, but likely to come into force in 2023. The budget proposals include an initial estimate of the cost pressure from this change, and at the time of writing there is no clarity on the extent of government funding that may be available to offset the pressure. Financial advice recorded "No further comments – the financial implications are clearly set out in [the SPP]."

Equalities Impact Assessment

- 6.3 An Equalities Impact Screening was completed at the outset of the procurement, as part of the Strategic Procurement Plan. The screening was reviewed by the Council's Equalities lead and determined that a full Equality Impact Assessment was not required.
- 6.4 The Equalities Impact Screening summary has identified key actions for commissioner and provider to ensure inclusive and compliant service delivery, part of which is to develop a sound Equality & Diversity (E&D) approach. Contract monitoring will include E&D monitoring as part of agreed performance reporting and contract management process. These key actions were incorporated into the specification and performance management framework. Tenderer D confirmed in their bid that Equality and Diversity training for all staff forms part of their mandatory training.

Strategic Risk Management Issues

- 6.5 In the awarding of the contract, the following strategic risks will need to be managed and mitigated

Risk	Mitigation
Legislative changes will have an adverse impact on budgets	<p>Modelling has been carried out for forthcoming changes from DoLS to LPS, and the likely impact allowed for in cost projections; the implementation date of LPS is not currently known but is unlikely to coincide with the contract start date.</p> <p>In the longer term advocacy support needs under LPS should be less than under DoLS due to less frequent reviews once an LPS has been granted.</p> <p>Proposed changes to the Mental Health Act have not been confirmed; it has not been possible to carry out modelling. Progress towards changes will be monitored during the lifetime of the contract.</p>
Legislative changes will have an impact on demand for advocates	Modelling has been carried out for LPS implementation. Training needs have been identified, and advocacy providers have been adapting their training programmes to ensure a sufficiency of advocates. The lead up to LPS implementation will allow for additional recruitment and training to be carried out. Progress towards full readiness will be monitored as part of contract management.
Availability of advocates for children and young people	Upskilling of existing advocates and recruitment of new advocates during mobilisation phase, plus availability of additional cover in the short-term from neighbouring all age provision.

7 CONSULTATION

Principal Groups Consulted

- 7.1 The development of the ITT was completed in collaboration with CTPLD, CMHTOA, CMHT, ACT, key officers for CSC, and Procurement.
- 7.2 Other local authorities with ongoing all age advocacy services, and providers of all age services were contacted during soft market testing in order to gather best practice, identify challenges, etc.

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- 7.3 Discussions during the design of the specification were held with local social care teams, Safeguarding, and an individual with lived experience, to ensure that the specification covered all key elements of a good quality all age advocacy service, and that the service designed would meet service user needs.
- 7.4 Soft market testing and formal market engagement during the design of the specification also ensured that the providers' voice was reflected to ensure the commissioning ask was feasible and would deliver the anticipated benefits.

Representations Received

- 7.5 None

Contact for further information

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