

Decision Maker: PORTFOLIO HOLDER FOR CARE SERVICES

Date: For Pre-Decision Scrutiny by the Care Services Policy Development and Scrutiny Committee on Tuesday 28 June 2016

Decision Type: Non-Urgent Executive Non-Key

Title: WELFARE BENEFITS ADVICE SERVICES

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Chief Officer: Assistant Director: Commissioning ECHS

Ward: Boroughwide

1. Reason for report

- 1.1 A report came to Members in March to approve a short three month extension to be able to re-procure a reduced specialist welfare benefits advice service, as Members concluded that a reduced service should be continued.
- 1.2 Significant TUPE issues have since arisen which have impacted on the funding required to be able to contract for a reduced service for a further year. Delays in TUPE information have also held up decision making. This report therefore, requests that Members agree to now extend the existing 3 contracts until 31st March 17 whereupon a reduced welfare benefits advice service will be included in the wider retendering of the voluntary sector support services. Full details and background are set out in the report.

2. **RECOMMENDATION(S)**

- 2.1 The Care Services Policy Development and Scrutiny Committee is asked to note and comment on the proposal and future plans for the welfare benefits advice service.
- 2.2 The Portfolio Holder for Care Services is asked to:
- i) Agree to the proposed nine month extension from 1st July 2016 to the three welfare benefits advice contracts, in light of the proposals set out in the report, under the Contract Procurement Rule 3.7; and,
 - ii) Agree that future specialist welfare advice can be included in the retendering of voluntary sector support services

Corporate Policy

1. Policy Status: Existing policy.
 2. BBB Priority: Supporting Independence.
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Financial

1. Cost of proposal: Estimated cost £76,413 for nine month extension
 2. Ongoing costs: Recurring cost. Subject to tender
 3. Budget head/performance centre: 7580013389
 4. Total current budget for this head: £101,720
 5. Source of funding: ECHS Core budget
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Staff

1. Number of staff (current and additional): n/a
 2. If from existing staff resources, number of staff hours:
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Legal

1. Legal Requirement: Non-statutory - Government guidance.
 2. Call-in: Call-in is applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): universal services
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments:

3. COMMENTARY

3.1 Background

3.2 The Council set up these benefits advice contracts in 2013/14 for one year, specifically in order to assist vulnerable groups during the significant changes to welfare benefits brought in by the government. They were commissioned result of concerns expressed by service users and the voluntary sector that Department for Work and Pensions (DWP) did not provide accessible services for more vulnerable groups i.e. people with learning disabilities, mental health needs and older people and that the changes to the welfare benefits regime would disproportionately disadvantage these groups. The Council recognised the need to fill this gap during the period of transition to the new benefits regime.

3.3 The contracts were extended on three further occasions, by the Portfolio Holder in 2014/15 and 2015/16. These extensions were granted as the contracts demonstrated that they were delivering for service users and were still relevant while benefits changes were working their way through the system.

3.4 The three contracts that make up the existing benefits advice service to support vulnerable people cost the Council £101,886 per annum.

3.5 Table 1: Contracts

Service Provider	Service	Annual Cost
Age UK Bromley & Greenwich	Benefits advice for older people	£30,000
Bromley Mencap	Benefits advice for people with Learning Disabilities	£30,000
Broadway	Benefits advice for people with Mental Health needs	£41,886

3.6 In addition to these specialist advice services, Citizens Advice Bureau (CAB) also receive general enquiries in respect of providing welfare benefits advice. This work by CAB is supported separately with them through their strategic partnership contract with the Council. However, although they deal with high numbers of referrals from the general public they tend to refer people with mental health needs, learning disabilities or older people with more complex needs onto one of these three specialist organisations as they do not have the expertise to deal with the particular needs of these client groups.

4. Objectives for the service

4.1 The purpose of these contracts is to make sure that vulnerable groups are aware of their benefits allowance. These contracts are in keeping with the Building a Better Bromley vision and priorities of supporting independence. They offer practical support to vulnerable residents to maximise their benefit income, thereby reducing dependency on statutory frontline services. It also increases individual's ability to make personalised choices and continue to retain their independence.

4.2 The providers achieve this through:

- providing benefits advice and support to vulnerable people to maximise their income through full benefit reviews;

- prevent poverty or homelessness that may arise as a result of not claiming the benefits appropriate to their circumstance;
- be a point of support for people to navigate the changes to the welfare benefits system;
- offer representation at Benefits Appeals Tribunals; and
- provide consultancy advice and training to professionals e.g. health staff, care managers and third sector organisations.

5. Proposals for the service

- 5.1 It was agreed that now changes to welfare benefits are becoming embedded there is an opportunity to reduce the overall funding dedicated to this specialist advice service. Initially the aim was to retender a reduced welfare benefits service at £45k for a further year to continue to support these client groups over and above our generic advice service provided by Citizen's Advice Bureau.
- 5.2 In exploring this option for Members officers have come up against significant TUPE issues that have prevented a reduced service being viable over a one year contract. Therefore it is proposed for these contracts to be extended for a further nine months, until 31st March 2017, at which point any ongoing requirement will be commissioned as part of a wider retender of our voluntary support services.
- 5.3 This proposal allows for the future merging of any services required under one contract/provider. Savings that can be achieved in 2017/18 can be realised as part of the wider corporate savings and setting of an overall Council budget. It also allows one provider to manage these services on the Council's behalf reducing the level of contract monitoring required.

6. POLICY IMPLICATIONS

- 6.1 In line with Building a Better Bromley aims of supporting independence.

7. FINANCIAL IMPLICATIONS

- 7.1 The 2015/16 budget for these contracts is £101k. Cumulative spend on all 3 contracts for the 3 years 2013/14 to 2015/16 is £305,148. It is proposed that these contracts be extended to April 17 within existing budget and then any residual requirement included in the retender of the wider voluntary sector contracts. Future providers will also be required to demonstrate how they will achieve significant efficiencies by increasing the use of technology, volunteers and group sessions. The reduction in cost will contribute to ECHS efficiency targets from 2017/18.

8 LEGAL IMPLICATIONS

- 8.1 The services provided under these contracts are covered by the 'Light Touch Regime' referred to in Schedule 3 of the Public Contracts Regulations 2015. As such, contract awards and extensions are primarily governed by the Council's Contract Procedure Rules and Financial Regulations.
- 8.2 Rule 3.7 of the Council's Contract Procedure Rules states that where a Service is to be provided by a Voluntary Sector Organisation through an external Service Level Agreement the relevant Chief Officer, in consultation with the Director of Resources, can decide not to obtain competitive tenders or quotations provided that:

- The Chief Officer is satisfied that the Voluntary Sector Organisation is, or will be able to provide a satisfactory quality of Service and that the sums payable under any Service Level Agreement entered into represent Value for Money;
- The relevant Head of Finance keeps a record of all payments made and any Grants received under the Service Level Agreement;
- The Service Level Agreement is time limited and subject to renewal under the arrangements identified in this Rule.

8.3 This service comes under the general points set out in section 4 of the Care Act, *Providing information and advice* which has been in place since April 2015, where there is a clear expectation that:

In providing information and advice under this section, a local authority must in particular—

(a) have regard to the importance of identifying adults in the authority’s area who would be likely to benefit from financial advice on matters relevant to the meeting of needs for care and support, and

(b) seek to ensure that what it provides is sufficient to enable adults—

(i) to identify matters that are or might be relevant to their personal financial position that could be affected by the system provided for by this Part,

(ii) to make plans for meeting needs for care and support that might arise, and

(iii) to understand the different ways in which they may access independent financial advice on matters relevant to the meeting of needs for care and support.

Non-Applicable Sections:	Personnel implications
Background Documents: (Access via Contact Officer)	None.