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**Decision Maker:** EXECUTIVE

**Date:** For Pre-Decision Scrutiny by the Care Services Policy Development and Scrutiny Committee on Tuesday 9<sup>th</sup> January 2018

**Decision Type:** Non-Urgent Executive Key

**Title:** CONTRACT AWARD FOR ADVOCACY SERVICES PART 1  
(PUBLIC) INFORMATION

**Contact Officer:** Sarah Wemborne, Commissioning Development Officer  
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**Chief Officer:** Paul Feven, Director of Programmes, ECHS

**Ward:** Borough-wide

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1. Reason for report

- 1.1 This report requests approval to grant a contract award for Advocacy Services. This is a 3 year contract with a 1 +1 year extension option to start on 1 April 2018.
- 1.2 The report should be read in conjunction with Part Two report "Contract Award for Advocacy Services"
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**2. RECOMMENDATIONS**

- 2.1 The Care Services PDS Committee is asked to review and comment on the contents of this report prior to the Council's Executive being requested to:
- i) Approve the contract award for Advocacy services for a period of 3 years starting 1 April 2018 with the option of two one year extensions (3+1+1) at a whole life contract value of £1,430,635.
  - ii) Delegate to the Deputy Chief Executive and Executive Director: ECHS, in consultation with the Portfolio Holder for Care Services, the Director: Commissioning, the Director: Finance and the Director: Corporate Services, the authorisation to extend this contract for the two one year extension options.

### Corporate Policy

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

1. Cost of proposal: £286k per annum:
  2. Ongoing costs: £286k per annum:
  3. Budget head/performance centre: 758004, 810101 & 813105
  4. Total current budget for this head: £313k
  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: N/A
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### Legal

1. Legal Requirement: Statutory Requirement
  2. Call-in: Applicable
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Estimated 634 per annum (based on 2016-17 provision)
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

### 3. COMMENTARY

- 3.1. In October 2016 the Executive approved (report no. CS17040) commissioning a single Advocacy service that aligned all existing Advocacy contracts.
- 3.2. Advocacy provides support for an individual to improve their ability to voice and express their views and wishes in a variety of circumstances or where this is not possible for their interests to be presented on their behalf in these contexts. For example a person may use Care Act Advocacy to have their views heard or represented in the planning or review of their care plan. Please see Section 5 for full details on the Councils statutory responsibilities in regards to Advocacy provision.
- 3.3 The Council currently has 7 Advocacy contracts with 4 providers. The current contracts are outlined below:

| Current provider        | Start Date of Contract and Original Contract and   | Client Group   | Service Type   |
|-------------------------|--|--|--|
| <b>Advocacy For All</b> | <b>01.04.16</b><br>Original contract: 1 year-no extensions available                                 | Learning Disabilities                                | This service provides Advocacy support for those with Learning Disabilities in Supported Living to have their voice heard in a number of processes and settings. This support includes one to one support and peer support.  |
| <b>Advocacy For All</b> | <b>01.04.16</b><br>Original contract: 1 year-no extensions available                                 | Learning Disabilities                                | This service provides Advocacy support for those with Learning Disabilities to have their voice heard in a number of processes and settings. This support includes one to one support and peer support. There are two separate contracts for Learning Disabilities Advocacy as one was originally for Supported Living clients and one for all others. |
| <b>Advocacy For All</b> | <b>01.04.15</b><br>Original contract: 2 years with option for 2 years extension- no extensions taken | Mental Health – Independent Mental Capacity Advocacy | This service provides Advocacy support as required under The Mental Capacity Act 2005 for matters including but not limited to Serious Medical Treatment, Deprivation of Liberty Safeguards and Accommodation  |

| <b>Current provider</b>   | <b>Start Date of Contract and Original Contract and Extensions Taken</b>                             | <b>Client Group</b>                    | <b>Service Type</b>   |
|---|--|--|---|
| <b>Baker and Joy</b><br><br>(New service users from June 2017 have been referred to Barnardo's on a spot purchasing arrangement following suspension placed on Baker and Joy) | <b>02.02.15</b><br>Original contract: 3 years-no extensions available                                | Children and Young People              | This service provides Advocacy support as required by The Children's Act 1989 and 2004 for matters including but not limited to Initial and Child Protection conferences, Care proceedings, Child Needs Assessments, Child Carers Assessments and Young Carers Assessments  |
| <b>Rethink Mental Illness</b>   | <b>01.04.15</b><br>Original contract: 3 years plus option for 2 years extension- no extensions taken | Mental Health                          | This service provides Mental Health Advocacy Support as required under the Mental Health Act 1983 and 2007 for matters including but not limited to Care Home reviews and placements, Accommodation reviews, Hospital stays as well as Deprivation of Liberty Safeguards  |
| <b>Rethink Mental Illness</b>   | <b>01.10.15</b><br>Original contract: 3 years plus option for 2 years extension- no extensions taken | Care Act Advocacy                      | This service provides Advocacy support as required under the Care Act 2014 for matters including but not limited to Needs Assessments, Carers Assessments, planning and/or review of care and/or support plans.   |
| <b>POhWER</b>   | <b>01.04.17-31.03.18</b><br>Procured through a pan London contract with Southwark Council as lead.   | Independent Health Complaints Advocacy | This service provides Advocacy support under the Health and Social Care Act 2012 for individuals to make health complaints, progress health complaints, and assistance with related correspondence and making complaints to the Ombudsman. This service is a statutory requirement for the Local Authority to commission. |

- 3.4 There are seven existing Advocacy contracts that will be amalgamated into this single Advocacy service. All organisations that hold these seven contracts have been given notice of termination for April 2018 in line with the commencement of the new single Advocacy service and as agreed in the gateway report taken to Executive in October 2016. If this contract is not awarded, then extensions will be sought for all current contracts as an interim measure to continue statutory provision.
- 3.5 The new single Advocacy service will include the following Advocacy services
- Care Act Advocacy
  - Independent Mental Health Advocacy (including General Mental Health Advocacy)
  - Independent Mental Capacity Advocacy
  - Independent Health Complaints Advocacy
  - Children and Young Persons Advocacy
  - Learning Disabilities Advocacy
- 3.6 The new Advocacy service will ensure better access to Advocacy for service users through a single point of access. This will benefit service users with more than one Advocacy need or for those with Advocacy needs that change over time. A single service and single point of access will make it easier for both service users and professionals to contact the service which will allow for a more holistic service that can address all Advocacy needs and enquiries in one place.
- 3.7 The service will be delivered through a single contract that will have a joint performance monitoring arrangement between the different Advocacy services delivered under this contract. The service will report on the performance of the service as a whole as well as the specific performance monitoring requirements of each form of Advocacy. This will allow for a more holistic and cohesive delivery of Advocacy services and enables a more efficient use of the Council's contract monitoring and compliance resources through this joint delivery and reporting.
- 3.8 The awarded contractor will provide quarterly monitoring reports as well as annual reports and attend quarterly monitoring meetings. Monitoring reports will include the number of hours the service delivers as well as monitoring against the contract outcomes as set out in para 3.8. This contract will be monitored by the Council's corporate contract monitoring team.
- 3.9 The service will report on a number of Key Performance Indicators which will include specific measurements for each form of Advocacy. For the whole service, the contractor will report on the number of individuals supported by each form of Advocacy, the rating of the service by service users and the number of cases completed within a certain number of hours.
- 3.10 The outcomes of the new service are:
- Service Users will be empowered by being given a voice and will not have to struggle to be heard.
  - Service Users will be equipped with the support they need to voice their concerns and to be able to Self-Advocate where possible.
  - Service Users will be empowered to be independent and to make informed decisions regarding the reasons they required Advocacy support for.
  - Service Users will be aware of their rights to make a complaint and the skills to do so.
  - Service Users' voices will be heard or represented during meetings or processes that involve decisions about them.
- 3.11 In addition the Contractor will establish co-produced outcomes with each service user specific to their desired outcomes. The high level outcomes as set out in 3.10 will inform the personal outcomes set with service users and will be demonstrated through case studies.

- 3.12 Commissioners carried out engagement with existing and previous service users of Advocacy in Bromley. This informed the development of the service specification for this contract, incorporating individual's experiences, wishes and feedback.
- 3.13 The Tender process has been implemented in line with the Council's Financial Regulations and Contract Procedure Rules. This was a 2 stage restricted tender process. Once the recommendation of this report has been approved, the Council would issue the appropriate contract award notice with consideration of the required standstill period.
- 3.14 A Provider day was held in May 2017 and the procurement process for this service began in September 2017. This was a two stage tender process consisting of supplier interviews.
- 3.15 Please see Part 2 (Exempt) report for the tender process and justification for award.

#### **4. IMPACT ON VULNERABLE ADULTS AND CHILDREN**

- 4.1 An Equality Impact Assessment has been undertaken. This assessment concluded that Advocacy services will promote equality as helping individuals to self-advocate and speak up for themselves in a variety of settings. A single point of access will enable improved access to Advocacy services.

#### **5. POLICY IMPLICATIONS**

- 5.1 The Council is obligated to fulfil its statutory requirements in regards to Advocacy provision in line with the following relevant legislation
- The Care Act 2014 (Section 67)
  - Mental Health Act 1983 (Section 2 and 3)
  - Mental Health Act 2007 (Section 30)
  - The Mental Capacity Act 2005 (Section 35)
  - The Children's Act 1989 (Section 26A)
  - The Children's Act 2004 (Section 53)
- 5.2 Local policy directs the provision of Advocacy services as well. Building a Better Bromley priorities include Supporting Independence. The Single Advocacy service will support individuals to self-advocate and be independent.

#### **6. FINANCIAL IMPLICATIONS**

- 6.1 Please see Part 2 (Exempt) report for the financial implications

#### **7. LEGAL IMPLICATIONS**

- 7.1 This report seeks the approval of the Executive to award a contract to provide Advocacy services to cover all of client groups the Council is required to provide this service to as a single service.
- 7.2 The proposed contract is for 3 years with an option to renew for further two years, a year at a time; potential contract term of 5 years. The annual value of the contract is £284,455 with an aggregated life time value of £1,422,225.
- 7.3 The 'Light-Touch' Regime applies to this contract as the contract value exceeds the threshold for such services as set out in Schedule 3 of the Public Contracts Regulations 2015. The procurement process adopted complies with Regulations 74 to 77 and the general rule in Regulation 18, the obligation to treat bidders equally and without discrimination, in a transparent and proportionate manner. A two stage restricted procedure was used, leading to evaluation of 2 tenders followed by clarification interviews with both bidders.

- 7.4 For this contract it is necessary to formally consult with the Executive and the Commissioning Board prior to award pursuant to rules 5.4 and 5.5.
- 7.5 The report author will need to consult with the Legal Department regarding the execution of the contract.

## 8. PROCUREMENT IMPLICATIONS

- 8.1 This 2 stage restricted tender opportunity was advertised through the London Tenders Portal in accordance with the Public Contracts Regulations 2015 and the Council's Contract Procedure Rules. Two compliant bids were received and both providers invited to attend clarification interviews. The bids were evaluated in line with the regulations for finance and quality in a 60:40 split, and the winning provider's total weighted score was significantly greater, enabling a clear difference to be established between the bidders.

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| <b>Non-Applicable Sections:</b>                       | Personnel Implications   |
| Background Documents:<br>(Access via Contact Officer) | Advocacy Gateway Review (report no. CS17040) 13 <sup>th</sup> October 2016 |