

Report to CABINET
Approval to delegate authority to award contract following an open tender process for Advocacy Services

Portfolio Holder: Cllr Barbara Brownridge, Lead Member for Health and Social Care

Officer Contact: Jayne Ratcliffe, Director of Adults Social Services

Report Author:
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Cabinet – 21st August 2023

Reason for Decision

This report requests approval to award the contract for delivery of the Oldham Advocacy Hub service to the successful provider following an open procurement exercise, from 1st November 2023 until 31st October 2026, with the option to extend for a further 12 months.

Executive Summary

The current contracts for delivery of Advocacy services, ends on 31st October 2023. It is essential to continue delivery of these services for some of our most vulnerable adults in Oldham. Advocacy is a statutory requirement for the Council to commission, based on an individual's needs under the relevant legislative framework.

Recommendations

That the decision to award the contract to deliver the Oldham Advocacy Hub service is delegated to the Director of Adult Social Services, following completion of an open procurement exercise, from 1st November 2023 until 31st October 2026, with the option to extend for a further 12 months.

Approval to delegate authority to award contract following an open tender process for Oldham Advocacy Services

1. Background

- 1.1 Oldham Council currently commissions a range of Advocacy Services, 5 of which are detailed in this report, as listed below:

	Service Area	Provider
1	Independent Mental Capacity Act (IMCA)	Voiceability
2	Independent Mental Health Act Advocacy (IMHA)	VoiceAbility
3	Care Act Independent Advocacy (CAA)	VoiceAbility
4	Learning Disability Advocacy (LDA)	OPAL
5	Triage service – for services 2 – 4 above	VoiceAbility

- 1.2 The current contracts for delivery of these Advocacy services ends on 31st August 2023. As a result of a delay in the internal Governance process to delegate contract award, we also need to extend the current delivery arrangements for 2 months - until 31st October 2023.
- 1.3 This report requests approval to extend the current contractual arrangements by a further 2 months and to delegate the authority to approve the contract award for delivery of Oldham's Advocacy Services Hub to the DASS, in consultation with the Lead Member, following the open tender process which is underway.
- 1.4 The advocacy services listed above are all statutory requirements which the Council must deliver, with the exception of the Learning Disability Advocacy and the triage element
- Independent Mental Health Act Advocacy (IMHA) is a statutory function under the Mental Health Act 1983/2007.
 - Independent Care Act Advocacy (CAA) is a statutory function under the Care Act 2014.
 - Independent Mental Capacity Advocacy (IMCA) is a statutory function under the Mental Capacity Act 2005.
 - Learning Disability Advocacy is not a statutory function for Councils to provide. However, having access to a specialist learning disability independent advocacy service is valuable to Oldham and its residents and we are keen to continue offering this service.
- 1.5 The triage element of these services was an addition at the last tender opportunity in 2020, intended to ensure a smooth process of referrals and to make the links between provider easier at the point of referral

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- 1.6 The Triage element has proved beneficial in ensuring a more cohesive approach to referrals received and has helped shape the future commissioning approach through a single Advocacy Hub model.
- 1.7 Oldham Council commissions a range of advocacy services, however, for the purpose of this report, we refer only to the to five service areas detailed in the table above, of which are the responsibility of Adult Social Care, which are currently commissioned to two external providers.
- 1.8 The NHS Complaints Advocacy (NHS ICA) and Healthwatch Oldham were recently procured separately and are therefore not included in this report.
- 1.9 The contract for each service area is due to end in October 2023, having been recently extended as part of the original contractual arrangement and to align the contract end dates
- 1.10 Under the Council's Contract Procedure Rules, an open procurement exercise must be undertaken in order to secure a new provider for delivery of each service area.
- 1.11 In order to ensure the continuation of these advocacy services, the Council is undertaking a full open procurement exercise to secure a new, single provider for all advocacy services, through a Hub model
- 1.12 This would align Oldham to the majority of GM Commissioning Authorities who also have a single advocacy hub model in place
- 1.13 This approach will ensure a more streamlined service to Oldham residents requiring Advocacy services as well as providing opportunity to reduce management and overhead costs currently experienced across a number of providers and ensure maximum value for money on the direct provision of advocacy services.
- 1.14 It will also ensure a more streamlined referral process for frontline staff who are often confused about which advocacy service to refer to, meaning a repeat referral is made to all services causing additional resource requirements
- 1.15 **Increase in Demand**
- 1.16 Currently, local commissioners are aware that the demand for advocacy services is rising and that capacity across the services is limited, hence the intention to deliver these through a hub model in the future
- 1.17 In the new Oldham Advocacy Hub approach, the model has been designed to triage referrals effectively and will have multi skilled advocates working across all areas of the service to provide a consistent and comprehensive service.
- 1.18 As part of the existing quarterly monitoring process in place, both current providers have reported an increase in demand for advocacy services over the last 2 years, which is detailed in the listed DMT report from August 2022.
- 1.19 It is acknowledged that the allocated budget may still be insufficient to meet the demand of each service area. However, this will be reviewed regularly through the quarterly monitoring process, to assess impact and if need be to review the allocated budget.
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- 1.20 The contracts do not have referral targets applied to them, and monitoring is carried out using both a quantitative and qualitative approach.
- 1.21 **Increase in funding**
- 1.22 The contract with each provider is based on a block funding arrangement as detailed below and is therefore not based on a volume delivery model.
- 1.23 In August 2022, DMT approved an additional 5.3% funding for each advocacy area as a result of the increase in demand and also pressures across the service delivery model in place. This was in line with inflationary pressures and benchmarking with neighbouring GM authorities.
- 1.24 The 2023/24 contract values are detailed below, and it should be noted that the purchase orders have only been raised for half year costs at this stage due to the new contract commencement date.

Service	2023/24 Contract Value
IMHA	49,000
CAA	21,000
IMCA	63,000
LDA	41,000
Triage	5,500
TOTAL	179,500

2. Current Position

- 2.1 Earlier this year, a virtual project group was established to oversee the procurement process to establish a new provider for delivery of these services
- 2.2 The project group includes representation from the following internal teams:
 - Procurement
 - Finance
 - Legal
 - Commissioning
 - MH Operational Colleagues
- 2.3 A project plan is in place to monitor progress against the agreed actions and is reviewed and updated regularly. Updates are provided electronically to members of the working project group.
- 2.4 As part of this work, the service specifications for each area of advocacy have been reviewed and updated to reflect current needs and legislative requirements.
- 2.5 In May 2023, the Invitation to Tender documents (ITT) were published on The Chest, which is the North West Procurement Portal.
- 2.6 The ITT details the intention to commission for an initial 3 years, with the option to extend for a further 12 months. The maximum total contract value for this tender is £720,000

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- 2.7 The opportunity is due to close on 3rd July 2023 following which a full evaluation and moderation process will commence.
- 2.8 It is the Council's intention to complete the evaluation process by the end of July and to award the contract to the successful provider towards the end of August 2023.
- 2.9 This will then allow a period for the implementation of the new provider before the new contract commences on 1st November 2023.

3. Options/Alternatives

3.1 Option 1

Details - To cease all commissioning arrangements with the current providers for all areas of advocacy included in this report.

Risks - As the majority of advocacy services are a statutory requirement, this is not a viable option and the Council must seek a new provider for these services going forward in order to maintain its statutory duty.

3.2 Option 2

Details - Cease commissioning arrangements for the delivery of the LDA Learning Disability Advocacy service as this is not a statutory requirement but retain the other element

Risks - The Council is proud to commission a non statutory service for residents with Learning Disabilities and feels that this is important to continue as part of a wider advocacy hub model. Reputationally, there would be a risk to the Council if this was not continued and so this option is not viable.

3.3 Option 3

Details - To seek an alternative provider of advocacy services through the ongoing Procurement Process, to delegate the contract award decision to the DASS and to extend the current contractual arrangements by a further 2 months

Risks - This is the preferred option as it allows the Council to complete the open procurement process to seek an alternative provider who is able to deliver all areas of advocacy through a Hub model approach, and to delegate the contract award decision to the Director of Adult Social Services.

The preferred option is Option 3 - To seek an alternative provider of advocacy services through the ongoing Procurement Process, to delegate the contract award decision to the DASS and to extend the current contractual arrangements by a further 2 months

- 3.4 As a result of a delay in receiving all relevant department comments relating to this contract, we have agreed a further 2 month extension with the current providers of the Advocacy services to ensure continued service delivery for Oldham residents.
- 3.5 The existing contracts will now end on 31st October 2023, and the new provider will commence delivery from 1st November 2023.

4.0 Consultation

- 4.1 Consultation with service users is difficult as we do not hold individual records to make direct contact.
- 4.2 Feedback received through the quarterly monitoring process evidences people's experience of services as positive and supportive and providing advice and guidance to residents at what can often be difficult and challenging times.

5.0 Financial Implications

- 5.1 The commissioning department are seeking authorisation to procure a single provider for the Learning Disability and Mental Health Advocacy service. The advocacy service is a statutory requirement for the council.
- 5.2 There are currently two providers who deliver the service. However, for a more streamlined service for the customer and Oldham Council, it would be preferential to procure a single provider. The current contracts for both providers end on the 31st October and a new provider is therefore required from the 1st November.
- 5.3 The request from the commissioning team is for the current £180k annual budget allocation for the advocacy service to be retained and used as the contract sum for the forthcoming procurement. The expected spend for the current contracts is £105k with the remaining £75k budget available between November 2023 and March 2024. Budget of £180k per year will be made available in future financial years. (Sophie Eade)

6.1 Legal Services Comments

- 6.2 Legal Services supports Option 3 and the recommendation to award a new contract to a new provider that better meets the needs of patients. A compliant procurement process is being followed in line with the Council's CPR's and Public Procurement Regulations. Sukie Kaur - Solicitor

7. Co-operative Agenda

- 7.1 Fairness – we will champion fairness and equality of opportunity and ensure working together brings mutual benefits and the greatest possible added value. We will enable everyone to be involved.
- 7.2 Openness – we will be open and honest in our actions and communications. We will take decisions in a transparent way and at the most local level possible.
- 7.3 Responsibility – we take responsibility for, and answer to our actions. We will encourage people to take responsibility for themselves and their actions. Mutual benefits go hand-in-hand with mutual obligations.
- 7.4 Working together – we will work together and support each other in achieving common goals, making sure the environment is in place for self-help.
- 7.5 Accountability – we recognise and act upon the impact of our actions on others and hold ourselves accountable to our stakeholders.
(J Downs 01.07.23)

8 **Human Resources Comments**

8.1 There are no Oldham Council Human Resources implications for this report as the services are all commissioned to an external provider, who will manage their own HR process.

9 **Risk Assessments**

9.1 Any risks identified within this project have been managed through the risk management plan as part of the project group and addressed accordingly.

10 **IT Implications**

10.1 There are no IT implications for this report.

11 **Property Implications**

11.1 There are no property implications for this report

12 **Procurement Implications**

12.1 A competitive tendering exercise is currently underway to commission the service in compliance to the Council's CPRs and PCR2015. The submissions date is 03/07/2023 via the Chest portal. The new contract will start on 1st November 2023. Mohammad Sharif 19/06/2023.

13 **Environmental and Health & Safety Implications**

13.1 There are no environment and health and safety implications for this report. The commissioned provider will manage their own risks and this will be monitored by the Contracts and Quality manager going forward.

14 **Equality, community cohesion and crime implications**

14.1 The services included within this tender are inclusive of everyone within the Borough, as per the agreed criteria within the service specification.

14.2 There are no implications on any equality groups identified by the Government

14.3 There are no implications on race or community relations

14.4 Oldham's Supported Living Services are available to everyone who meet the relevant criteria, up to the age of 65

14.5 There are no implications on crime or fear of crime.

15 **Oldham Impact Assessment Completed?**

15.1 Yes

16 **Key Decision**

16.1 Yes

17 **Key Decision Reference**

17.1 HSC-09-23

18 **Background Papers**

18.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act :

Name of File : Briefing to DMT – contract extension report – IMHA, CAA and LDA
August 2022

Records held in S: Drive, ASC Commissioning and Market Management

Officer Name : Clare Bamforth, Quality and Contracts Manager

Name of File : Briefing to DMT – IMCA service – interim delivery arrangements
February 2023

Records held in S: Drive, ASC Commissioning and Market Management

Officer Name : Clare Bamforth, Quality and Contracts Manager

19 **Appendices**

19.1 None