

**NORTH SOMERSET COUNCIL
DECISION**

**DECISION OF: DIRECTOR OF PEOPLE AND COMMUNITIES
WITH ADVICE FROM: S.151 OFFICER AND HEAD OF STRATEGIC
PROCUREMENT
DIRECTORATE: PEOPLE AND COMMUNITIES**



DECISION NO: PC01 (2018-19 SCHEME)

SUBJECT: ADVOCACY SERVICES FOR ADULTS CONTRACT AWARD

KEY DECISION: YES

BACKGROUND:

The North Somerset Corporate Plan 2015-19 considers various areas of key focus. The following under Health and Wellbeing relate to the recommissioning of Advocacy for Adults.

- Enable residents to make healthy choices and promote active lifestyles, which reduce ill health and increase independence.
- Commission or provide quality health and care services, which deliver dignity, safety and choice.

The following listed under Prosperity and Opportunity relate to the recommissioning of Advocacy for Adults.

- Enable young adults to fulfil their potential.

The following listed under Quality Places relate to the recommissioning of Advocacy for Adults.

- Empower people to contribute to their community and communities to provide their own solutions.

The People and Communities Annual Draft Directorate Statement for 2018-19 lists the following as two of its aims.

- Support and enable vulnerable adults to live independently.
- Promote and support independence by enabling children, young people and their families to improve their own lives.

A competitive tender was undertaken under the Public Contract Regulations 2015. As the threshold for the tender was under the value for the Official Journal European Union (OJEU). It was advertised on the 5th January 2018 via the portal and on the Government's Contracts Finder ref number NSOMS001-DN310658-79217732.

The tender process was undertaken with, and following advice from the Legal and Procurement Teams.

The contract will start on the 1st July 2018.

The contract is for a duration of 2 years with an extension period of up to 4 years in any block the Council deems appropriate.

The tender was evaluated on 50% quality and 50% price split.

2 bidders submitted a tender and were evaluated by a multi-disciplinary panel as well as colleagues in Finance, Equalities and Diversity and Health and Safety. 1 of the bidders exceeded the minimum quality score of 50%, with a score of 100%.

DECISION:

To award the contract of Advocacy Services for Adults to seAp (Registered Company Number 3963421 and Registered Charity Number 1080679).

REASONS:

North Somerset Council currently delivers advocacy services to meet its legal obligations through the following services. The current contract with 1 in 4 People Ltd, previously known as 'Friend', provides support with the Mental Capacity Act. They subcontract the NHS Complaints Advocacy work to a third party, seAp. The Adult Social Care teams also spot purchase Care Act Advocacy in the main with one provider, Yoursay, this is commissioned through individual agreements.

Current Advocacy services are confusing and fragmented for professionals and service users to access. The new contract with seAp will replace the current Advocacy contract and eliminate alternative agreements being arranged with other organisations.

In seAp's tender bid they have comprehensive systems in place to monitor both the quality and delivery of the service they are providing. There is a clear referral pathway for professionals and service users to access the service. Method statements showed extensive experience in meeting the outcomes and performance indicators of the contract, through their comprehensive reporting systems. They showed a good use of administration to reduce time spent on cases with supporting IT systems in place to provide flexibility and efficiency.

OPTIONS CONSIDERED:

If North Somerset Council had decommissioned the current Advocacy contract with no alternative offer then this would be a breach of its statutory duties. Service users would be placed at risk as the market would not function without a more formal commissioning arrangement in place.

If the Council had retendered the current contract in its existing form this would not have provided the clarity in service delivery and would have been more expensive to the future budget. Processes for referrals and access to the service would remain unclear.

FINANCIAL IMPLICATIONS:

Costs

Bidders were asked to submit an inclusive rate per advocacy case on a fixed basis for the first 500 referrals per year.

The case rate submitted by the bidders would have been fixed for the life of the contract with consideration for an inflationary uplift. A fixed case rate for statutory advocacy services would enable expenditure to be monitored and controlled.

During the negotiation part of the tender process the pricing model changed to a more affordable position for North Somerset Council. A block figure was agreed of £91,350 for 3,000 hours, based on an expectation of an average of 6 hours per case, therefore supporting 500 cases of Advocacy per year. Any cases above 500 would be paid on a spot basis of £30 per hour. The Contract has clear and robust key performance indicators in place, which will be key to the contract management role.

Funding

P&C MTFP savings targets will be applied to the recommissioning of advocacy services and moving towards a statutory model.

LEGAL POWERS AND IMPLICATIONS

This procurement was managed through the Light Touch Regime as defined within the Public Contract Regulations 2015.

The services considered in this procurement relate to statutory requirements (Care Act 2014, Mental Capacity Act 2005 and Mental Health Act 1983 as amended in 2009). Local Authorities cannot provide these services themselves as the legislation requires them to be provided independent of the Local Authority or NHS providers.

CONSULTATION

As part of the commissioning process some soft market testing was completed in August 2017.

RISK MANAGEMENT

Provider failure will be mitigated by robust contract monitoring and compliance of the contract.

Through this recommissioning it will mean that costs can be controlled as North Somerset Currently spot purchases elements of its statutory advocacy. The implementation of the new contract will mean all referrals for statutory services will go to seAp. Services and costs will be more auditable through the contract in terms of how quality is measured, costs are controlled and volumes and values in service.

Spikes in demand could be a risk to budget management, however, implementing a block purchase payment plan with seAp will allow the Council to smooth funding across the year.

EQUALITY IMPLICATIONS

North Somerset Council's Initial Equality Impact Assessment has been completed and all risks identified were low.

CORPORATE IMPLICATIONS

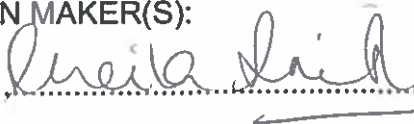
Not applicable.

BACKGROUND PAPERS

North Somerset Corporate Plan 2015-19
Equality Impact Assessment
PC27 Statutory Advocacy Service for Adults Commissioning Plan
PC28 Statutory Advocacy Service for Adults Procurement Plan

SIGNATORIES:

DECISION MAKER(S):

Signed: .....

Title: Director, People and Communities

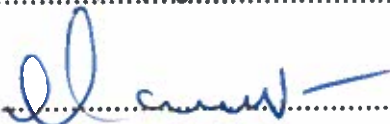
Date: 30.5.18.....

WITH ADVICE FROM:

Signed: .....

Title: S151 Officer

Date: 23/5/18.....

Signed: .....

Title: Head of Strategic Procurement

Date: 23/5/18.....

Footnote: Details of changes made and agreed by the decision taker since

publication of the proposed (pre-signed) decision notice, if applicable:



