



Executive
9 December 2013

**Report from the Director of Adult
Social Services**

Wards affected:ALL

**Authority to invite tenders for the Procurement of Advocacy
Services**

1.0 Summary

In accordance with Contract Standing Orders 88 and 89 the purpose of this report is to seek Executive authority to invite tenders for a 2 + 1 year Advocacy contract valued at £395,700. These specialist advocacy services are to support people the most vulnerable people in our community. They are people with the most complex needs, people who have significant communication difficulties and are not able to understand and make key decisions about their life. They also lack the informal family support that many of us rely on to make decisions.

2.0 Recommendations

- 2.1 The Executive approve the pre-tender considerations and criteria to be used to evaluate tenders for the Adult Social Care (ASC) advocacy services as set out in paragraph 3.10 of this report.
- 2.2 The Executive to approve that officers shall invite tenders and evaluate them in accordance with the approved evaluation criteria.
- 2.3 The Executive note that short term extensions for 4 existing Advocacy contracts will be agreed with current providers. Their collective value will not exceed £29,054 and each will end when the new contract goes live on the 1st June 2014.

3.0 Detail

- 3.1 ASC are committed to provide an independent and high quality Advocacy Service that works in partnership with service users and supports them to lead more independent and inclusive lives and to be involved in decisions about their future.

- 3.2 The services allow for vulnerable people to have control over the care and support and play an important part in helping people make choices for themselves that might otherwise be made for them by other people.
- 3.3 Currently advocacy support is provided through four contracts. Two, which are for Mental Health Services and Learning Disabilities, end on the 31st March 2014. The remainder, covering Safeguarding and Older People with Physical Disabilities, end February 2014. To ensure continued service provision, all four agreements will be extended to end on the 31st May 2014 whilst the new contract is procured.
- 3.4 Through this procurement approach, a single provider, who could lead a consortium, will replace the current multiple provider model. Moving to this single agreement will create allow for greater focus and development of these specialist skills, which will improve service delivery. It will also reduce supply risk and contract management administration.
- 3.5 The future advocacy services will be provided to those with the most complex advocacy needs across the following 5 client groups:
- all Safeguarding clients (SG) to ensure people are safe from abuse,
 - to Older People with Physical Disabilities (OPPD),
 - Young People with Physical Disabilities, aged 14 to 25 (YPPD),
 - Adults with Mental Health needs (MH), and;
 - Adults with a Learning Disabilities (LD).
- 3.5 Within their tender response, the successful provider will therefore need to comprehensively demonstrate that they have the skills, personnel and experience to support those with the most complex needs and explain how these capabilities will be applied to ensure that the advocacy services will be person-centred whilst being innovative and flexible.
- 3.6 The proposed service will also enable people to have a say in their own lives, and will support them to speak up for themselves and where appropriate act as their representative ensuing they maintain or achieve their rights as a citizen.
- 3.7 The contract will have ensure the provision of crisis advocacy (for example when an advocate is likely to support someone at a benefit tribunal, or to assist someone who has bailiffs coming round or who has been threatened with eviction), self advocacy (where individuals are made aware of their rights and responsibilities allowing them to speak-up for their rights, and make choices and decisions that affect their lives), and citizen advocacy (where trained volunteers offer information and support their clients with back-up and supervision from an advocacy co-ordinator). These services will be available to those with the most complex needs.
- 3.8 Officers consider there are good operational reasons to develop this service as it will deliver the following benefits to service users
- Provide short term, issue based and 'crisis' advocacy when significant decisions are needed urgently, for example in Safeguarding Adult cases.

- Establish an independent, confidential, high quality professional advocacy service that is independent of those commissioned or provided by health or social care services.
- Provide one to one support that meets the needs of the specified users including their ability, disability, race, culture, sexuality, age, gender and treat them with respect, courtesy and dignity.
- Support people to identify and represent their own concerns directly to all relevant bodies. Self advocacy is the preferred option and the service should aim to support this wherever possible.
- Raise awareness to the providers and commissioners about particular issues faced by users of the independent professional advocacy service, including the concerns of specific users who might be finding it difficult to engage with services.
- Provide advocacy service users with information on local services and signposting them to other services when these are more appropriate.

3.9 In accordance with Contract Standing Orders 89 and 90, pre-tender considerations have been set out below for the approval of the Executive.

Ref.	Requirement	Response
(i)	The nature of the service.	Provision of an Advocacy services supplier who could be a sole provider, a sole provider with sub-contracting arrangements or a consortium (which identifies a lead organisation) which may also include an element of sub-contracting.
(ii)	The future estimated value of the contract	The 2+1 year contract is valued at £395,700.
(iii)	The contract term	An initial term of 2 years followed by a discretionary extension of 1 year.
(iv)	The tender procedure to be adopted.	An open tender process in accordance with the Council's Standing Orders. As Social Care transactions are 'Part B Services', under the Public Contract Regulations 2006 ("the Regulations"); the Regulations apply only in part to the tender namely, (adoption of a technical specification and forwarding a Contract Award notice etc.).In accordance with the Councils

		Standing Orders the contract requirements will also be advertised.	
(v)	The procurement timetable	<p>Indicative dates are:</p> <ul style="list-style-type: none"> • Adverts placed on Due North and in local and trade press • Commence issuing of ITT • Advert close/issue final ITT • Deadline for tender responses • All stages of ITT evaluation complete • Report recommending Contract award circulated internally for comment • Executive approval • Contract award 	<p>12.12.13</p> <p>12.12.13</p> <p>06.01.14</p> <p>25.02.14</p> <p>21.03.14</p> <p>April 2014</p> <p>May 2014</p> <p>May 2014</p>
(vi)	The evaluation criteria and process	<p><u>Stage 1: compliance tender checks</u></p> <p>Stage 1 of the tender assessments will follow the Council's Contract Management Guidelines. It will test the capacity and capability of bidders against their:</p> <ul style="list-style-type: none"> • Professional conduct • Economic and financial standing • Insurance • Resources • Health and safety • Quality assurance • Equality • Environmental • Business continuity • Previous experience and references 	

		<ul style="list-style-type: none"> • Safeguarding Adults policies <p>The outcome of this stage will be a list of bidders who will then be evaluated against their quality and cost tender responses.</p> <p><u>Stage 2: Quality and Cost scoring</u></p> <p>Tenders will be evaluated on the basis of the most economically advantageous tender and the contract awarded using the following criteria</p> <p>1. Quality</p> <p>Quality will consist of 40% of the evaluation weightings. The quality assessment will be evaluated using a range of criteria. It is expected that providers must score at least 60% of the quality score to be eligible for award onto the contract, in order to ensure that very competitively priced bids do not thereby sacrifice quality</p> <p>The quality assessment will be evaluated using the following criteria:</p> <ul style="list-style-type: none"> • Experience in delivering the service • Meeting the needs of individuals and customer focus • Improved personal independence and self confidence • Approach to safeguarding • Approach to staff recruitment , retention and training • Implementation and business continuity Plan • Service Delivery model • Demand Management and response times • Information systems and it's use for monitoring and improving services • Approach to partnership working with internal and external partners <p>2. Price</p> <p>Price will consist of 60% of the evaluation weightings assessed through the application of a formula that underpins a proportional scoring which will award the maximum of</p>
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		60% to the lowest priced tender.
(vii)	Any business risks associated with entering the contract	No specific business risks are considered to be associated with agreeing the recommendations in this report.
(viii)	The Council's Best Value duties	This procurement process and on-going contractual requirement will ensure that the Council's Best Value obligations are met. It is also expected that consolidation of the current 4 contracts into one will deliver a financial saving without affecting quality
(ix)	Any staffing implications	See section 7.0 below
(x)	The relevant financial, legal and other considerations	See sections 4 and 5 below
(xi)	Compliance with Public Services (Social Value) Act 2012	See section 8 below

3.10 The Executive is asked to approve these proposals as set out in the recommendations and in accordance with Standing Order 89.

4.0 Financial Implications

4.1 The following table summarises the budget and spend for 2013/14 across the 5 current advocacy support service contracts. The fifth contract was unable to be let for the interim period up to February 2014:

Service Area	Provider	Annual Budget	Contract Value	Comment
Learning Disabilities	The Advocacy Project	£46,900	£46,900	Ends 31st March 14
Mental Health	Loud and Clear	£35,000	£35,000	Ends 31st March 14
Safeguarding	Voiceability	£25,000	£11,675	Ends Feb 14
Older People with Physical Disabilities	Age UK	£12,500	£4,200	Ends Feb 14
Younger People with Physical Disabilities	-	£12,500	£0	No contract
		Total	£131,900	£97,775

4.2 The 2013/14 budget has been used as the baseline for the maximum annual cost for the future (2+1) 3 year contract.

Advocacy	Current Annual	Future agreed budget		
		2013/14 Year 1	2014/15 Year 2	2015/16 Year 3
Learning Disabilities	£ 46,900	£46,900	£46,900	£46,900
Safeguarding	£ 25,000	£25,000	£25,000	£25,000
Older People with Physical Disabilities	£ 12,500	£12,500	£12,500	£12,500
Younger People with Physical Disabilities	£ 12,500	£12,500	£12,500	£12,500
Mental Health	£ 35,000	£35,000	£35,000	£35,000
Total	£ 131,900	£131,900	£131,900	£131,900

4.3 The values set out in the table above are the maximum value of the contract. Fees will only be paid for used advocacy hours and there will be a volume discount whereby an increase in referrals will result in a rate reduction. The provider and the Council will hold regular meetings to assess the impact of the advocacy provided and agree future service improvements that continue to drive value from the fixed budget.

5.0 Legal Implications

5.1 The contract for the Advocacy services is a Part B services contract for the purposes of the Public Contracts Regulations 2006 (“EU Regulations”), and is thus only subject to partial application of the EU Regulations to include requirements in relation to technical specifications and the need to publish a Contract Award Notice.

5.2 The estimated value of the contract over its term (including possible extensions is in excess of £250k. As such the contract is a High Value contract for the purposes of Council Contract Standing Orders and Financial Regulations and thus Executive approval is required to invite tenders and to evaluate tenders for the contract.

5.3 Once the tendering process is undertaken, Officers will report back to the Executive in accordance with Contract Standing Orders explaining the process undertaken in tendering the contract and recommending award.

5.4 In the present case, a number of contractors are currently providing elements of the service being procured. As a result, the Transfer of Employment (Protection of Employment) Regulations 2006 (“TUPE”) may apply if the contract is awarded to a new contractor where immediately before the change of contractor, there is an organised grouping of employees situated in Great Britain which has as its principal purpose the carrying out of the activities concerned on behalf of the Council and where the employees are assigned to that organised grouping. Subject to the right of the employee to object to transferring, the employee’s contract of employment will transfer to the new contractor.

6.0 Diversity Implications

6.1 The proposed contract will require the provider to deliver services which are:

- culturally sensitive by providing cultural awareness training for all staff, matching specific language requirements where possible and recruiting a local workforce which reflects the communities of Brent;
- able to provide support and advice to service users with disabilities, and young people with disabilities and older people; and
- able to provide training for all staff in areas that will raise awareness of issues faced by vulnerable people from different ethnic groups.

6.2 The provider will be monitored to ensure they are complying with these requirements through checking of their records, regular review of services provided to individual service users where feedback will be sought from service users, monthly monitoring meetings and provision of quarterly performance information to the Council.

6.3 In view of the fact that this procurement represents a change to the model of service delivery, it is necessary for the Executive as decision-making body to consider the equalities implications. An equalities analysis has been completed (see Appendix A) in accordance with the Equality Act 2010, and officers believe that there are no adverse diversity implications.

7.0 Staffing Implications

7.1 This service will be provided by an external contractor and there are no direct implications for Council staff arising from tendering a contract of this type

7.2 There may be TUPE implications arising from the award of the Contract. The assumption is that TUPE may apply to those staff providing a service that will be included in the tender process. Such staff may transfer to a new employer under TUPE as a result of the proposed tendering process. Further investigation about whether TUPE will apply will commence as soon as possible.

8.0 Public Services (Social Value) Act 2012

8.1 The Council is under a duty pursuant to the Public Services (Social Value) Act 2012 (the "Social Value Act") to consider how the services being procured might be structured to improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the council might act with a view to securing that improvement; and whether the council should undertake consultation.

8.2 This duty applies to the procurement of the proposed contract as Part B Services over the threshold for application of the EU Regulations are subject to the requirements of the Social Value Act.

8.3 The market for advocacy services is highly specialised and limited which narrows the opportunities available to the Authority in terms of the requirements of the Social Value Act. However, the intention to procure a contract that will expand existing advocacy support to a wider group of residents to improve their overall social and economic well-being means that the actual subject-matter of the contract is in fact delivering the aims set out in the Act. Officers will throughout the new procurement exercise take account of Social Value Act provisions and seek to implement these as appropriate.

Background Papers

None

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