

	Cabinet 22 June 2026
	Report for the Corporate Director, Service Reform and Strategy
	Lead Member Leader of the Council and Cabinet Member for Adult Social Care (Councillor Muhammed Butt)
Approval to Participate in a Joint Procurement Exercise for the provision of Advocacy Services	

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	One Appendix 1: Equalities Impact Assessment
Background Papers¹:	None
Contact Officer(s): (Name, Title, Contact Details)	Edwin Mensah, Acting Head of Commissioning Contracting and Market Management 0208 937 4132 edwin.mensah@brent.gov.uk

1.0 Executive Summary

1.1 This report seeks Cabinet approval for the Council to work jointly with the London Borough of Harrow (“Harrow Council”) to undertake a joint (collaborative) procurement for the commissioning of statutory advocacy services, including Care Act Advocacy, Independent Mental Health Advocacy (IMHA), Independent Mental Capacity Advocacy (IMCA) and the Relevant Person’s Paid Representative (RPPR).

2.0 Recommendation(s)

That Cabinet:

- 2.1 Approves the Council's participation in a joint (collaborative) procurement exercise with the London Borough of Harrow ("Harrow Council") for the commissioning of statutory advocacy services, namely: Care Act Advocacy, Mental Health Act Advocacy (IMHA), Independent Mental Capacity Act Advocacy (IMCA) and Relevant Person's Paid Representative (RPPR).
- 2.2 Approves the Council acting as the lead authority for the purposes of the tendering of the Advocacy Services, including responsibility for conducting the procurement process on behalf of both authorities.
- 2.3 Approves the proposed joint commissioning arrangements and confirms that the procurement will be undertaken on the basis of the pre-tender considerations set out in paragraph 3.3.1 of the report and in accordance with the Council's Contract Standing Orders, Financial Regulations, and applicable procurement legislation.
- 2.4 Approves the Corporate Director, Service Reform and Strategy, in consultation with the Corporate Director Finance and Resources and the Director of Law, to:
 - agree and enter into the necessary inter-authority or collaboration arrangements with Harrow Council to give effect to the Council's role as lead authority; and
 - take all necessary steps to progress and complete the procurement exercise.
- 2.5 Delegates authority to the Corporate Director, Service Reform and Strategy, in consultation with the Leader of the Council and Cabinet Member for Adult Social Care to approve the award of the resulting contract following the completion of the procurement process.

3.0 Detail

3.1 Cabinet Member Foreword

- 3.1.1 The proposal within this report supports the Brent Borough Plan 2023-2027 priority of 'A Healthier Brent'. Advocacy Services ensures that Brent residents can access the services and support needed to live healthier lives and reduce health inequalities. Vulnerable residents particularly those with complex needs, often require support to express their views, and make informed decisions about their care. Providing access to advocacy services ensures these residents receive the appropriate health and social care interventions. This reduces the risk of unmet needs and supports improved physical and mental wellbeing outcomes.

3.1.2 Strategic Priority 5 – A Healthier Brent says we will “strengthen our commissioning approach to prevention and wellbeing”. By jointly commissioning the Advocacy Service with Harrow Council, benefits can be gained from shared approaches and learning as well as the potential for economies of scale for purchasing.

3.1.3 Strategic Priority 5 says “we will work with residents as partners in their own care and support, to live independent, safe, happy and fulfilling lives”. It also sets out that the intention is “continuing to support people to be cared for closer to home, by developing health and social care community services to help people.

3.2 Background

3.2.1 The Council is required to provide access to several different types of advocacy services.

- **Independent Mental Health Advocacy (IMHA)** - Local Authorities have a statutory duty under The Mental Health Act 1983 to provide an advocate to people detained in hospitals under the Act. IMHAs are also available to individuals subject to Community Treatment Orders, requiring treatment while living in the community. An IMHA is provided when the person has no suitable individual to support them.
- **Independent Mental Capacity Advocacy (IMCA)** – Under the Mental Capacity Act 2005, Local Authorities must provide an advocate for people who lack capacity to make major decisions, including their accommodation or care. IMCAs are also required when a deprivation of liberty is proposed and the person has no appropriate adult to support them.
- **Care Act Advocacy** - Local Authorities have a statutory duty under the Care Act provide independent advocacy for people who have substantial difficulty engaging in their social care assessment, care planning, reviews, or safeguarding processes. An advocate is appointed when the individual has no appropriate person able and willing to support them.
- **Relevant Person’s Paid Representative (RPPR)** - Under the Mental Capacity Act 2005 and its Deprivation of Liberty Safeguards (DoLS), Local Authorities must appoint an RPPR for any person deprived of their liberty who has no suitable unpaid representative. The role of the RPPR is to maintain contact with individuals to represent and support them in all matters relating to the deprivation of liberty safeguards.

3.2.2 In February 2023, the Operational Director for Adult Social Care approved the invitation of tenders in respect of Advocacy Services (IMHA, IMCA, RPPR and Care Act). Following a competitive tender process, a contract was awarded to POHWER to deliver the Advocacy Services. The contract was awarded for an

initial period of one year, running from 2nd August 2023 to 1st August 2024, with an option to extend for up to a further two years, exercisable on a one-year-by-one-year basis at the Council's sole discretion (the "Contract"). The Contract was extended and is due to expire on 1st August 2026. Officers are currently seeking approval from the Director of Strategic Commissioning Capacity Building and Engagement to vary and extend the contract to the 31st of October 2026 to allow the joint procurement of Advocacy services with the London Borough of Harrow and a new service start date of the 1st of November 2026.

Overview of the Proposed Approach

- 3.2.3 The proposed approach is to jointly commission Advocacy Services with Harrow Council to deliver statutory Advocacy Services including Care Act Advocacy, Independent Mental Health Advocacy (IMHA), Independent Mental Capacity Advocacy (IMCA), and Relevant Person's Paid Representative (RPPR). Working collaboratively will enable both local authorities to secure a high-quality, consistent, and sustainable advocacy offer across borough boundaries, supporting improved outcomes for residents who require independent support to participate fully in decisions about their care and support.
- 3.2.4 A joint commissioning approach provides opportunities for shared learning, stronger market engagement, and the development of a more resilient and cost-effective service model. By combining commissioning capacity and aligning service expectations, Brent and Harrow may benefit from economies of scale, a more robust provider market, and a clearer pathway for residents.
- 3.2.5 It is proposed that the Council will act as the lead authority for the purposes of conducting the procurement process, which will be undertaken in accordance with applicable Procurement Legislation, the Council's Contract Standing Orders and Financial Regulations, and the Council's internal governance requirements.
- 3.2.6 The resulting contract(s) will be awarded separately by each authority in accordance with their respective internal governance arrangements.
- 3.2.7 The proposed collaborative procurement does not involve delegation of the Council's decision-making powers. The Council will retain responsibility for approving and awarding its own contract.

Alternative Options considered

- 3.2.8 Alternative approaches such as delivering the service in-house have been explored. However, this option is currently neither cost-effective nor operationally viable. The Council does not presently possess the necessary expertise to deliver the service internally.

3.2.8 Another alternative approach is for the Council to commission the statutory advocacy services independently. However, for the reasons set out in 3.2.3 - 3.2.4, Officers prefer a joint commissioning approach.

3.2.9 Demand for service:

The total number of referrals received by the Advocacy service between for the years 2024-2025 and 2025-2026 were -

Type of Advocacy	Referrals received for the year 2024-2025	Type of Advocacy	Referrals received for the year 2025-2026
IMCA	163	IMCA	150
RPPR	25	RPPR	17
IMHA	373	IMHA	398
CARE ACT	71	CARE ACT	82
Total	632	Total	647

3.3 Pre-tender Considerations

3.3.1 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations for the procurement of

Ref.	Requirement	Response
(i)	The nature of the Goods / Services / Works.	Services - Commissioning of a statutory advocacy services, including Care Act Advocacy, Independent Mental Health Advocacy (IMHA), Independent Mental Capacity Advocacy (IMCA) and the Relevant Person's Paid Representative (RPPR)
(ii)	The estimated value.	<p>Brent's annual contract value - £267,000; Over 5 years - £1.335m</p> <p>Harrow annual value - £184,000; Over 5 years - £920,000</p> <p>Total combined Brent and Harrow contract value over 5 year contract term = £2.255m</p> <p>Brent and the London Borough of Harrow will annually review the contract value. The review will consider any cost pressures for service delivery and performance against outcomes and key performance indicators.</p> <p>Brent and Harrow will have separate contracts.</p>

Ref.	Requirement	Response	
(iii)	The contract term.	3 years with a single extension of two years	
(iv)	The tender procedure to be adopted.	Open process	
v)	The procurement timetable.		Indicative dates are:
		Publish Preliminary Market Engagement Notice	5 May 2026
		Market Engagement event	28 May 2026
		Cabinet Approval seeking Authority to Tender	22 June 2026
		Publish Tender Notice	29 June 2026
		Publish Invitation to tender (30 days)	29 June 2026
		Deadline for tender submissions	29 July 2026
		Panel evaluation and moderation	03 August - 21 August 2026
		Report recommending Contracts award circulated internally for comment	By 28 August 2026
		Corporate Director approval	by 2 September 2026
		Publish Contract Award Notice	3 September 2026
		8 working days standstill period – notification issued to all tenderers and additional debriefing of unsuccessful tenderers	4 September – 15 September 2026
		Publish Contract Details Notice	16 September 2026
Contract Mobilisation	By 31 October 2026		

Ref.	Requirement	Response										
		Contract start date	01 November 2026									
(vi)	The evaluation criteria and process.	<p>1. At selection stage shortlists are to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines by the use of conditions of participation to identify organisations meeting the Council's financial standing requirements, technical capacity and technical expertise.</p> <p>2. At tender evaluation stage, the panel will evaluate the tenders against the following criteria:</p> <p>Quality: 40% Price: 50% Social Value: 10%</p>										
(vii)	Any business risks associated with entering the Contract.	<p>The following business risks are considered to be associated with entering into the Contract.</p> <table border="1"> <thead> <tr> <th>Risk description</th> <th>Mitigations</th> <th>RAG Status</th> </tr> </thead> <tbody> <tr> <td>Brent and Harrow teams are unable to agree a uniform specification</td> <td>Close working between commissioners to ensure alignment</td> <td>Green</td> </tr> <tr> <td>A low response to the procurement due to contract price</td> <td>Market engagement event will be held ensuring providers are clear on time lines for bidding and contract requirements</td> <td>Amber</td> </tr> </tbody> </table>		Risk description	Mitigations	RAG Status	Brent and Harrow teams are unable to agree a uniform specification	Close working between commissioners to ensure alignment	Green	A low response to the procurement due to contract price	Market engagement event will be held ensuring providers are clear on time lines for bidding and contract requirements	Amber
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(viii)	The Council's Best Value duties.	The Council will be awarding the Contract to the provider that have the Most Advantageous Tender (MAT).										
(ix)	Consideration of Public Services (Social Value) Act 2012	It is the intention within this tender that 10% of the total evaluation criteria will be reserved for social value considerations. Bidders will be asked to provide a social value action plan and method statement which then be measured for impact and delivery over the life of the Contracts through the Contract Management function.										

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(x)	Any staffing implications, including TUPE and pensions.	There will be TUPE implications for the awarded providers which have been taken into consideration within the time scales. See Section 9 below.
(xi)	The relevant financial, legal and other considerations.	See sections 5 and 6 below.
(xii)	Sustainability	This has been assessed in line with the Procurement Sustainability Policy and determined that a quality measure for sustainability is not required.
(xiii)	Key Performance Indicators / Outcomes	Appropriate Key Performance Indicators / Outcomes will be included in the Contract.
(xiv)	Policy requirements including the National Procurement Policy Statement; prompt payment; London Living Wage; modern slavery; and carbon reduction	<p>The potential supplier will be required to provide Services in accordance with all relevant policy requirements, to include those detailed in the National Procurement Policy Statement, to comply with a 30 day payment requirement, to provide evidence of wage compliance, evidence due diligence in supply chain (including modern slavery) and provide report on carbon emission and sustainability initiatives during contract delivery.</p> <p>The Contract will require the payment of the London Living Wage.</p>
(xv)	Sharing information to allow understanding of the Council's procurement policies and decisions	All relevant policies and information will be shared with the potential supplier during the procurement process.
(xvi)	Steps undertaken to remove or reduce barriers for SME participation in the procurement	<p>Officers have considered whether any steps can be taken to remove or reduce barriers for SME participation in the procurement. It is considered that the procurement process recommended is appropriate for Services required and upholds the principles of equal treatment, transparency, and non-discrimination.</p> <p>A market engagement event advert has been published on the Find a Tender service to support these suppliers with resource planning for the opportunity.</p>

Ref.	Requirement	Response
(xvii)	Contract Management	A contract manager will be appointed and appropriate contract management provisions will be included in the Contract.

3.3.2 Cabinet is asked to give its approval to these proposals as set out in the recommendations and in accordance with Standing Order 89.

4.0 Stakeholder and ward member consultation and engagement

4.1 A review of the advocacy service was undertaken by Adult Social Care’s co-production team in January 2026. Colleagues within Adult Social Care and Health were consulted about what was working well and what needed to be improved in the Advocacy service. The information will be used in the service specification and tender documentation for the new Advocacy service.

5.0 Financial Considerations

5.1 The estimated value of the Contract is £267,000 per year. The total value of the contract, for Brent, over the five-year term will be £1.335m.

5.2 The cost of the Contract will be funded from existing resources.

5.3 The contract for the service will state that any inflationary uplifts will need to be negotiated with and approved by the Local Authority.

6.0 Legal Considerations

6.1 Officers are proposing that the Council participates in a joint (collaborative) procurement exercise with the London Borough of Harrow (“Harrow Council”) for the commissioning of statutory advocacy services. The proposed arrangement constitutes “Collaborative Procurement” for the purposes of the Council’s Contract Standing Orders, being an arrangement under which the Council and another contracting authority undertake a procurement process jointly.

6.2 The procurement will be conducted by the Council as lead authority on behalf of both authorities. However, each authority will enter into and manage its own contract with the successful provider and will retain responsibility for its own contract award decision. Accordingly, the proposed arrangement does not involve the delegation of the Council’s decision-making functions to another authority.

6.3 The estimated value of the Contract for the Council, as set out in paragraph 5.1, exceeds the relevant threshold under the Procurement Act 2023 (the “PA23”). The procurement is therefore subject to the full application of the PA23 and must be conducted in compliance with the statutory requirements, including

obligations relating to transparency, equal treatment, non-discrimination and proportionality.

- 6.4 In addition to compliance with the PA23, the procurement must comply with the Council's Contract Standing Orders and Financial Regulations. Whilst the total combined value of the proposed joint procurement with Harrow Council over the five-year term is estimated at above £2m (see paragraph 3.3.1), for the purposes of the Council's internal governance requirements the relevant contract value is the Council's own estimated spend of £1.335m. As each authority will enter into a separate contract with the successful provider, the aggregated value is not determinative for classification under the Contract Standing Orders. Accordingly, the procurement is classified as a Medium Value Contract, rather than a High Value Contract.
- 6.5 Notwithstanding this classification, the procurement constitutes a Key Decision having regard to the value of the Council's contract and its potential impact on affected wards. Accordingly, Cabinet approval is required to: authorise the Council's participation in the collaborative procurement; approve the proposed governance arrangements (including the Council acting as lead authority); and approve the procurement process, including the pre-tender considerations set out in paragraph 3.3.1 in order to enable the Council to invite tenders in accordance with Standing Orders 88 and 89.
- 6.6 Following completion of the tender process, authority to award the Council's contract is being asked to be delegated, as set out in Recommendation 2.5, to the Corporate Director, Service Reform and Strategy, in consultation with the relevant Cabinet Member.
- 6.7 In accordance with PA23, the Council must observe a mandatory minimum standstill period of eight working days prior to contract award. During this period, all tenderers must be notified in writing of the award decision and debrief information must be provided upon request. The standstill period allows unsuccessful tenderers to challenge the award decision where grounds exist. If no challenge is brought (or any challenge is unsuccessful), the Council may issue the letter of acceptance and proceed to contract commencement.
- 6.8 The joint procurement will require the Council and Harrow Council to enter into appropriate inter-authority arrangements governing the conduct of the procurement. These arrangements will address matters including respective roles and responsibilities, the Council's role as lead authority, and information sharing. Any such arrangements will be entered into in accordance with Recommendation 2.4 and must comply with applicable legal requirements.
- 6.9 The procurement involves the re-procurement of services currently delivered by an incumbent provider and may give rise to the application of the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE"). Where applicable, the Council will be required to provide employee liability

information to tenderers and to include appropriate TUPE provisions within the procurement documentation and resulting contract.

7.0 Equity, Diversity & Inclusion (EDI) Considerations

7.1 Pursuant to s149 Equality Act 2010 (the “Public Sector Equality Duty”), the Council must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it,

7.2 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.3 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.

7.4 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary.

7.5 “The proposals in this report have been subject to screening and Officers believe that there are no adverse equality implications.”]

8.0 Climate Change and Environmental Considerations

8.1 Given the nature of the services to be delivered, Officers do not envisage that there will be any direct Climate Change and Environmental Considerations.

9.0 Human Resources/Property Implications (if appropriate)

9.1 These services will be provided by an external provider and there are no direct staffing implications for the Council arising from the tender process.

9.2 As part of the procurement process, employee liability information will be sought from current contractors and provided to the tenderers. The TUPE process and any issues that may arise from it will be managed during the mobilisation phase.

10.0 Communication Considerations

10.1 To enhance the existing communication plan, given our familiarity with the resident population, a tailored communication plan will be put in place with service users and their families.

Report sign off:

Rachel Crossley

Corporate Director Service Reform
and Strategy

Legal considerations provided by:
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