	Officer Key Decision
	Report to the Corporate Director of Service Reform and Strategy
	Lead Cabinet Member for Adult Social Care

AUTHORITY TO AWARD CONTRACT FOR ADVOCACY SERVICES (CARE ACT, MENTAL HEALTH ADVOCACY (IMHA), INDEPENDENT MENTAL CAPACITY ADVOCACY (IMCA) AND RELEVANT PERSON'S PAID REPRESENTATIVE (RPPR)

Wards Affected:	All
Key or Non-Key Decision:	Key Decision
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Part Exempt – Appendices 1 and 3 are exempt as they contain the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)"
No. of Appendices:	Appendix 1 – List of Bidders (exempt) Appendix 2 – Evaluation Grid Appendix 3 – Social Value Commitments (exempt) Appendix 4 – Equalities Impact Assessment
Background Papers:	None
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1.0 Executive Summary

1.1 This report concerns the tender for Advocacy Services - Care Act Advocacy, Mental Health Act Advocacy (IMHA), Independent Mental Capacity Act Advocacy (IMCA) and Relevant Person's Paid Representative (RPPR) (the 'Advocacy Services'). This report requests authority to award contracts as required by Contract Standing Order 88. This report summarises the process undertaken in procuring a contract and, following the completion of the evaluation of the bids, recommends to whom the contract should be awarded.

2.0 Recommendation(s)

That the Corporate Director, Service Reform and Strategy in consultation with the Lead Member for Adult Social Care:

2.1 Approves the award the contract for the provision of Advocacy Services to POHWER for an initial contract term of three (3) years, with an option to extend for up to a further two (2) years, for a maximum total contract value of £1,316,863.56 (exclusive of VAT).

3.0 Detail

Contribution to Borough Plan Priorities & Strategic Context

3.1 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.

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.
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.

https://www.brent.gov.uk/the-council-and-democracy/strategies-priorites-and-policies

Background

3.2 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.

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- 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.

3.3 On 22 June 2026, Cabinet resolved, amongst other things, to approve 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 Advocacy (IMCA) and Relevant Person's Paid Representative (RPPR) services (the "Advocacy Services"). Cabinet also approved the associated procurement and collaboration arrangements and delegated 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 completion of the procurement exercise.

3.4 Following Cabinet's decision, the Council and Harrow Council undertook the procurement exercise collaboratively, with the Council acting as the lead authority for the purposes of conducting the procurement process on behalf of both authorities.

3.5 Although a single procurement process has been undertaken, the collaborative arrangements do not involve a delegation of either authority's decision-making powers. Each authority remains responsible for approving the award of, and entering into, its own contract in accordance with its respective governance arrangements. Accordingly, this report seeks approval for the Council's award of its contract pursuant to the authority delegated by Cabinet on 22 June 2026.

3.6 The procurement exercise has now been completed. Further details of the procurement process, evaluation of tenders and the resulting recommendation

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to award the Advocacy Services Contract are set out below. As the current contract expires on 30 November 2026, the new contract is intended to commence on 1 December 2026, subject to completion of the required award process, to ensure continuity of service.

The Procurement Process

3.7 The Contract will be let using the Council's contract terms and conditions for a period of three (3) years with an option to extend up to two (2) years (on a 3+2 basis).

3.8 The required service was categorised as Light Touch Contract under the Procurement Act 2023 and the value of the Contract exceeds the Light Touch Regime threshold of £663,540. The Council advertised the opportunity on the Find a Tender service, the London Tenders Portal and Contracts Finder on 29/06/2026. Bidders were provided with a specification and details of the tender approach and were invited to complete a procurement specific questionnaire, quality, social value and pricing proposals using the Council's Electronic Tendering Facility.

3.9 The tendering instructions stated that the Contract would be awarded on the basis of the most advantageous offer to the Council and that in evaluating tenders, the Council would have regard to the following:

Criteria	Weighting	Question Weighting
Quality/Technical, made up of:	**40%**	
Service Model		25%
Quality Assurance and Performance Management		10%
Co-Production and Partnership Working		10%
Mobilisation and Resourcing		20%
Safeguarding		15%
Diverse Person Centred case study		10%
Reducing Unmet Advocacy Need and Improving Equity of Access		10%
Social Value, made up of:	**10%**	
Thriving Communities		3.00%
Prosperity and Stability		4.00%
A Healthier Brent		3.00%
Price	**50%**	
Total	**100%**	

Evaluation process

3.10 All tenders had to be submitted electronically no later than 05/08/2026. Three valid tenders were received.

3.11 The tender evaluation was carried out by a panel of officers from Adult Social Care within Brent and an officer from the London Borough of Harrow. A service

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user provided their feedback to the Evaluation Panel on a question. Each member of the evaluation panel then read the tenders and carried out an initial evaluation of how well they considered each of the award criteria was addressed in the tender.

3.12 The panel met between 03/09/2026 – 16/10/2026 and each tender was marked by the whole panel against the award criteria.

3.13 The names of the tenderers are contained in Appendix 1. The scores received by the tenderers are included in Appendix 2. It will be noted that Contractor C was the highest scoring tenderer. Officers therefore recommend the award of the Contract to Contractor C, namely POHWER.

3.14 The Contract will commence on 01/12/2026 subject to the Council's observation of the requirements of the voluntary standstill period noted in paragraph 6.5 below.

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 has been used in the service specification and tender documentation for the new Advocacy service. In addition to this as set out above, a service user was involved in the procurement process through participation in the tender evaluation. This included the service user independently assessing and scoring a specific quality question to ensure the lived experience of people who use the service was reflected in the evaluation outcome.

5.0 Financial Considerations

5.1 Part 3 of the Council's Constitution states that the Corporate Director of Service Reform and Strategy has delegated authority to approve the award of contracts for goods / services valued at less than £2 million and for works valued at less than £5 million. The estimated value of the Care Act Advocacy Services Contract over the term of 5 years (i.e. 3 years plus 2 years) is £1,316,863.50 This is estimated at £263,373 per annum.

5.2 The estimated cost of this contract will be funded from the existing Adult Social Care (ASC) budgets within the Service Reform and Strategy Directorate.

6.0 Legal Considerations

6.1 Officers propose to enter into a Contract with POHWER for the provision of Advocacy Services for a period of three (3) years with an option to extend by an additional period of two (2) years. The value of the Contract over its lifetime (including the extension) is £1,316,863.56 (exclusive of VAT) (see paragraph

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2.1).

6.2 Given the statutory and social care focus of the Advocacy Services, and that they are consistent with the types of services listed in Schedule 1 of Procurement Regulations 2024 (PR24), which includes health, social, and related services, the Contract is considered to fall within the Light Touch Services regime.

6.3 The value of the Contract over its lifetime is in excess of the Procurement Act 2023 (the "PA23") threshold for Light Touch Services as defined in Schedule 1 of the ("PR24") and the award of the Contract is therefore governed by the PA23. Section 3 of the report outlines how the Contract was procured in accordance with the PA23.

6.4 Cabinet delegated authority on 22 June 2026 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 Contract following completion of the procurement process. Accordingly, if satisfied that the procurement has been conducted in accordance with the Council's requirements and that the proposed award is justified, the Corporate Director, Service Reform and Strategy is authorised to approve the award in accordance with that Cabinet delegation and the powers conferred under paragraph 9.5 of Part 3 of the Constitution.

6.5 The Council must observe a mandatory minimum 8 working day standstill period under the PA23 before the Contract can be awarded. If the Corporate Director, Service Reform and Strategy, in consultation with the Leader of the Council and Cabinet Member for Adult Social Care, approves the award of the Contract pursuant to the delegated authority referred to above, all tenderers will be notified of the award decision in writing. A minimum 8 working day standstill period will then be observed before the Contract is concluded. This period will begin the day after all Tenderers are sent notification of the award decision. Additional debrief information will be provided to unsuccessful tenderers in accordance with the PA23. The standstill period will run concurrently with the Council's usual call-in process. Subject to there being no call-in, and after the standstill period ends, the successful tenderer will be issued with a letter of acceptance and the Contract can commence.

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

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(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 Considerations (if appropriate)

9.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from retendering the Contract.

9.2 Employee Liability Information was obtained from the current provider and shared with tenderers as part of the procurement process. Following review of the information provided, there are currently no known TUPE implications associated with the contract transition.

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.

Relevant Documents:

22 June 2026, Report to Cabinet: Approval to Participate in a Joint Procurement Exercise for the provision of Advocacy Services

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Report sign off:

Rachel Crossley
Corporate Director of Service Reform and Strategy

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