

Divisions Affected – Adult Social Care

CABINET KEY DECISION

19 December 2023

AWARD FOR ALL AGE ADVOCACY CONTRACTS

Report by Corporate Director of Adult Social Care

1. RECOMMENDATION

The Cabinet is RECOMMENDED to:

- a) Agree the approach for the procurement of the future provision for the All-Age Advocacy contracts.
- b) Delegate authority to the Corporate Director of Adult Social Care in consultation with the Corporate Director of Children's Services following the end of the stand still period to award the All-Age Advocacy contracts
- c) Delegate authority to the Corporate Director of Adult Social Care in consultation with the Corporate Director of Children's Services and the Head of Legal and Deputy Monitoring Officer to finalise and complete the contract documentation to deal with the contract award of the All-Age Advocacy service

2. Executive Summary

- 2.1 The Council is the lead commissioner for Advocacy services on behalf of BOB ICB.
- 2.2 Advocates are independent professionals who are qualified to help people understand their rights, communicate their needs and preferences, and ensure that their voices are heard in decisions about their care and support. They provide help and guidance to people who are experiencing difficulty accessing or using social care services. Local Authorities have a duty to provide independent advocacy under the Care Act 2014, the Mental Capacity Act 2005 and The Advocacy Services and Representations Procedure (Children) (Amendment) Regulations 2004. The statutory elements of these contracts are:
 - a) Independent Mental Capacity Advocacy for Children & Adults (IMCA)
 - b) Independent Mental Health Advocacy (IMHA)
 - c) Independent Care Act Advocacy (ICCA)
 - d) NHS Complaints Advocacy
 - e) Children's Advocacy

- f) Regulation 44 Reviews
- g) Independent Visitors Service

- 2.3 The Directorate Leadership Teams for Children and Adult's directorates each approved the business case and options appraisal, which recommended the alignment of the children's and adult's advocacy service contracts and the potential to recommission as an all-age procurement approach from 1st April 2024. With a plan to commission the children's and adult's advocacy services through 2 separate lots for a 3-year contract period with the option of an additional 2-year extension.
- 2.4 The All-Age Advocacy Contracts have been proposed with the intention to improve quality standards for *supporting vulnerable children and adults to communicate their preferences* and ensure that their voice is heard when engaging with health and care services.

3. Background

3.1 Approach for the procurement of the All-Age Advocacy Contracts (recommendation 1 (a))

- 3.1.1 The Council fully funds the children's contract whereas the adult's contract is funded through a pooled budget with BOB ICB. The BOB ICB funds the health-related elements of the contract, being the Independent Mental Health Advocacy provision. The children's contract expires on 31st March 2024 and has no further provision to extend within the terms and conditions. The adult's contract still has the provision to extend and has been extended to align with the children's contract. This approach was taken to enable the development of a best practice model and deliver commissioning efficiencies.
- 3.1.2 This is in line with the vision of The Council to provide statutory and non-statutory advocacy services for our residents, enabling everyone to live as independently as possible, for as long as possible. The Council seeks to provide residents good quality support that will have a positive impact on their lives.
- 3.1.3 The Council and BOB ICB have the opportunity to explore how a best practice model used in Scotland could develop and evolve, here in Oxfordshire. This model creates opportunities for individuals to use their new-found skills, directly after their advocacy experience and, empowering them to give back to their community. Providers will be invited to build this into the early stages of their delivery plan as added value, whilst ensuring this remains within the financial envelope.

3.2 Award of All Age Advocacy Contracts (recommendation 1 (b))

- 3.2.1 Advocacy providers often specialise in either children or adult's advocacy services. Within this market, there are a small number of large providers, and many localised smaller providers. Seven large providers responded to our recent market engagement exercise, expressing a keenness to work in Oxfordshire on this tender opportunity. To facilitate this vision most effectively, the Council is seeking to procure these contracts through two separate Lots which will allow providers to submit a bid for one or both of the following:
- 3.2.1.1 Lot 1: Children's Advocacy, Independent Visitor & Care Leavers Service
 - 3.2.1.2 Lot 2: Adults Advocacy
- 3.2.2 Social Value will be included within each tender, in line with Council policy. Providers will be invited to demonstrate how they will contribute social value in line with the specific needs of both authorities. Some of these outcomes will include:
- 3.2.2.1 How they aim to build on existing community capacity?
 - 3.2.2.2 How will they support the Council's target for becoming net zero by 2030?
 - 3.2.2.3 How will they support Carers as part of their delivery plan?
 - 3.2.2.4 How will they respond to the skill-building model for people using advocacy services? Link to model of best practice in Scotland [Scottish Co-production Network \(coproductionscotland.org.uk\)](http://coproductionscotland.org.uk)
- 3.2.3 The proposed contractual period is three years with an extension of up to two years, for both services. This allows the successful provider(s) time to establish their new services and provides them with the opportunity to demonstrate consistency. This in turn, provides a degree of certainty when delivering sustainability. Thus, making these services more attractive to the market. By including the option to extend, enables the Council and BOB ICB to re-evaluate need after two years and extend, should the initial term have been positive in meeting our requirements.

4. Corporate Policies and Priorities

- 4.1 Tackling the inequalities in Oxfordshire and ensuring vulnerable children and adults have their voices heard when accessing support, services, and their communities.
- 4.2 Prioritising health and wellbeing will be addressed through providing person-centred planning for people with a disability, ensuring they are treated as a priority by those who support them.

- 4.3 The opportunity for the new provider to potentially formulate added value through the development of an Empowerment Network will create further opportunities to sustain equality of access, in line with building on existing community capacity. This model will also enable the Council to hear the seldom heard voices of unpaid and/or older carers, people from ethnic minorities and multicultural faith groups.

5. Financial Implications

- 5.1 Whole Life Value of the two contracts of £2,874,810 is split as follows:
- 5.1.1 Children Social Care - £923,710.
 - 5.1.2 Adults Social Care - £1,951,100
- 5.2 The new children's contract will include an increase of 5% in year one and 3% in each subsequent year, thereafter due to the increasing demands on the service and to reflect inflationary pressures. This equates to an increase of £95,210 over the 5-year contractual term from an initial budget of £828,500 rising to £923,710.
- 5.3 It is expected that the adult's contract can be delivered within the existing financial envelope, of £390,220 per annum.
- 5.4 The annual contract costs for Adults and Children services have been provided for within the proposed Medium Term Financial Strategy (MTFS) Budget proposals for 2024/25 to 2026/27.

Comments checked by Thomas James, Finance Business Partner for Adult's & Public Health and Danny Doherty, Interim Finance Business Partner for Children's Services

6. Legal Implications

- 6.1 Commissioning and Procurement will work with Legal services to ensure that the procurement and contract award is compliant with the legal and regulatory framework. Legal services will finalise the resulting contract and work with Commissioning and Procurement to ensure that flexibility is built into the contract to accommodate for any changes in legislation and associated demand for advocacy services in relation to the Liberty Protection Safeguards and Mental Health Reforms Act.

The above information has been ratified by Bede Murtagh, Solicitor, Legal Services.

7. Staff Implications

- 7.1 With respect to the services through the new tender, they will be delivered by the voluntary, community and independent sector therefore this will not impact

services or staff directly provided by the council other than the existing resource required to deliver this tender and evaluation process.

- 7.2 TUPE is expected to apply to this tender and the incumbent provider/s and the existing providers have submitted their employee Information to assist with the tender process. The bidders' approach to staffing and TUPE will form part of the evaluation process and will be included at mobilisation stage.

8. Equality & Inclusion Implications

- 8.1 Advocacy services provide support for people who are struggling to get their voice heard, mostly supporting vulnerable people within the protected characteristics, this service improves equality for people and does not discriminate. If a person does not meet the criteria to access one of the services offered within the contract they will be signposted to an appropriate service or relevant information. If this occurs the reason for declining the referral and the action taken must be recorded and reported to the Council during regular monitoring reviews.
- 8.2 The service specifications have been diligently prepared to include the specific needs of disabled people and those people with mental health needs. The expectation of the providers is to deliver person centred support which ensures;
- 8.2.1 Provision of Statutory Advocacy services.
 - 8.2.2 Provision of in-county Advocacy services and where applicable, out of county Advocacy services.
 - 8.2.3 Provision of community Advocacy to support greater independence for people.
 - 8.2.4 People are integrated into their local communities with the support to grow an Empowerment Network.
 - 8.2.5 The individuals' needs and preference are met.
 - 8.2.6 Cultural and religious beliefs are supported to be observed.
- 8.3 The All-Age Advocacy contract evaluation process includes the requirement for providers to have an Equalities Policy. In accordance with the requirements of the ITT documentation, all successful providers self-certified that their organisation has an active Equality & Diversity Policy in keeping with the Equality Act 2010. All providers also self-certified that their organisation had no court, industrial or employment tribunal cases brought against them regarding unlawful discrimination within the last 3 years. In addition, the Quality & Improvement Team carry out regular monitoring of services and include equality items in their reviews.

9. Sustainability Implications

- 9.1 The All-Age Advocacy contracts evaluation process includes mandatory disclosure from providers to answer questions regarding their environmental management as well as that of their sub-contractors. At present a Climate/Environmental Policy is not required by providers. All successful providers will self-certify that their organisation has no prior convictions of

breaching environmental legislation, or had any notice served upon it within the last 3 years by any environmental regulator or authority.

10. Risk Management

10.1 Risks in agreeing these recommendations.

10.1.1 There are no risks to agreeing the recommendations. The recommendations proposed in this paper ensure the Council and BOB ICB meet their statutory duty to commission Advocacy services in Oxfordshire and to Oxfordshire residents in placements out of county (where applicable).

10.2 Risk in not agreeing these recommendations.

10.2.1 Not agreeing these recommendations will have a negative impact on the continuity of service for those accessing Advocacy services and the Council will not be compliant with Contract Procurement Regulations (CPR).

10.2.2 It may lead to the Council and BOB ICB not meeting their statutory duty to commission Advocacy Services in Oxfordshire and to Oxfordshire residents in placements out of county (where applicable).

10.2.3 It may also lead to less effective market shaping and impact on the expenditure for future Advocacy services.

11. Consultations

11.1 Service users were consulted regarding their experience of the current Advocacy Provider and service.

11.2 A market engagement exercise was carried out with potential providers to establish expressions of interest.

11.3 The staff of the current provider undertook a staff survey.

11.4 Experts by experience were asked to contribute and developed some of the questions with the Council which will form part of the evaluation process of the tender.

Karen Fuller
Corporate Director for Adult Social Care

Annex: Nil

Background papers: Nil

[Other Documents:] Nil

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