

Cabinet Member for Adults and Health	Ref No: AH8 19/20
Date October 2019	Key Decision: Yes
Procurement of a Specialist Advocacy Service	Part I
Report by Executive Director People Services	Electoral Division(s): All.
<p>Summary</p> <p>This report seeks approval to commence a procurement process during November 2019 leading to the award of contract for the provision of a specialist advocacy service for people with physical or sensory impairment, acquired brain injury, autism or a learning disability.</p> <p>An existing contract for the provision of a specialist advocacy service was extended for 12 months until 30th June 2020. This extension enabled a review of the service and customer engagement.</p> <p>This advocacy service is a component part of the People Services prevention strategy which is designed to support demand management and delivery of value for money.</p> <p>The review, completed at the end of July 2019, has evidenced that the service enables the Council to meet its statutory duties in relation to supporting the most vulnerable people, particularly those with communication difficulties. People with these protected characteristics face challenges in many areas of everyday life and without advocacy support, struggle to communicate their wishes and needs.</p>	
<p>West Sussex Plan: Policy Impact and Context</p> <p>This proposal is in line with the West Sussex Plan priority:</p> <ul style="list-style-type: none"> • A Council that Works for the Community 	
<p>Financial Impact</p> <p>1) All costs will be met within agreed budget limits. The total contract sum over the full potential term of the contract, including extension, is £1.2m, of which, £1.1m will be West Sussex County Council funded.</p>	
<p>Recommendations</p> <p>The Cabinet Member for Adults and Health is asked to approve;</p> <ol style="list-style-type: none"> 1) the commencement of a procurement process to source a specialist advocacy service; 2) the new service would start on 1st July 2020 for a period of 3 years with the option of extending for a further 2 years, to a maximum of 5 years; and 3) the delegation of authority to award the contract to the Executive Director People Services. 	

PROPOSAL

1. Background and Context

1.1 Current service provision.

The Specialist Advocacy Service is a component part of the People Services prevention strategy which is designed to support demand management and delivery of value for money.

1.2 'Advocacy is taking action to help people say what they want, secure their rights, represent their interests and obtain services they need. Advocates and advocacy providers work in partnership with the people they support and take their side. Advocacy promotes social inclusion, equality and social justice.' (Advocacy Code of Practice)

1.3 Self-advocacy is defined as:

'The ability to speak-up for yourself and the things that are important to you. Self-advocacy means you are able to ask for what you need and want and tell people about your thoughts and feelings. Self-advocacy means you know your rights and responsibilities, you speak-up for your rights, and you are able to make choices and decisions that affect your life.' Disability Rights UK.

1.4 The Specialist Advocacy Service delivers:

- Short-term, issue-based advocacy for the most vulnerable residents of West Sussex including people with a learning disability, autism, a physical disability, brain injury or sensory impairment. 360 customers were supported with issue-based advocacy in 2018/19.
- Support to parents with a learning disability subject to Child Care Proceedings (CCP). 33 customers were supported with CCP in 2018/19.
- Support to 100 Self Advocates in 6 independent groups, enabling people with learning disabilities and autism to have a voice in West Sussex.
- Citizen Advocacy for a small number of highly vulnerable people with severe communication and learning difficulties, with no family, whose only contact is with paid carers in residential care.
- Close working with the Council to deliver the Learning Disability and Autism Partnership Boards.
- The Annual Statutory Social Care Survey.
- Advocacy support for Council Complaints/Appeals process.
- Customer representation at Council meetings where self advocates require support to participate: Members Roundtable; Customer and Carer Groups.

1.5 Providing early help and preventative support to people with low to moderate need in their community is a priority for WSCC and its local NHS partners. An analysis of referrals has evidenced that specialist advocacy effectively supports the Council to meet its statutory duty by enabling eligible customers with communication difficulties to access statutory services and express their needs and wishes

1.6 Supporting disabled people, who are more likely to have low income and live in rented accommodation, with issues related to finances or housing,

prevents poor health, including mental health, and reduces the need for funded interventions from social care, GPs or A & E.

- 1.7 The current contract was extended for 12 months until 30th June 2020, to allow for a review of the service with customer involvement, to inform future plans. The current provider is Impact Initiatives, a local charitable organisation. The annual cost is £247K.

2. Proposal Details

- 2.1 To commence a procurement process during November 2019, for a specialist advocacy service for people with physical or sensory impairment, acquired brain injury, autism or a learning disability. The service will consist of the following elements:
 - Issue-based advocacy for people with a physical or learning disability, sensory impairment, acquired brain injury or autism.
 - Advocacy support for parents with a learning disability subject to Child Care Proceedings.
 - Self-Advocacy support for people with a learning disability or autism.
 - Citizen Advocacy for people with severe communication difficulties living in residential care who have no independent support.
- 2.2 The contract will commence in July 2020 for a period of three years, with the option to extend the contract for a further two years up to a maximum of five years. It is considered that a contract term of this length is necessary to deliver continuity and support stability both within the market, which is primarily in the charity sector, and for people who rely on the service, for whom frequent changes in services can be problematic.
- 2.3 A single contractor will be sought, as dividing the work between more than one provider would attract duplicate managerial costs and not support value for money for the Council.
- 2.4 The Council will undertake a competitive procurement process that is proportionate to the service and value of the contract and which adheres to the principles of transparency and non-discrimination and is compliant with Public Contracts Regulations 2015 (PCR 2015) and the Council's Standing Orders on Procurements and Contracts.

FACTORS TAKEN INTO ACCOUNT

3. Consultation

- 3.1 Between June and July 2019, four well-attended Focus Groups were held across the County, to outline the Council's commissioning ideas and seek feedback from people who had accessed the service. Information was also available in easy read format to facilitate engagement.
- 3.2 Analysis of the consultation has taken place and the results will inform the tender documentation.

4. Financial (revenue and capital) and Resource Implications

- 4.1 The annual cost for the new service is £247k per annum, comprised of £127k Issue-based, £90k Self-advocacy support and £30K support for parents subject to Child Care Proceedings.

	Current Year 2019/20 £m	Year 2 2020/21 £m	Year 3 2021/22 £m	Year 4 2022/23 £m
Revenue budget	0.247	0.247	0.247	0.247
Cost of Proposal	0.247	0.247	0.247	0.247
Remaining budget	0.000	0.000	0.000	0.000

- 4.2 Funding is from the West Sussex Better Care Fund, which is managed by a Section 75 Agreement and the Learning Disability Pooled Budget as set out below:

Funding Source	£	Total cost to WSCC £
West Sussex Better Care Fund	50,000	210,686
Pooled LD Budget WSCC contribution	160,686	
Pooled LD Budget CCG contribution	36,596	
Total	247,282	

The overall cost of the service over the maximum duration of 5 years would be £1.2m.

4.3 The effect of the proposal

- 4.4 The provision of a specialist advocacy service will support customers with significant communication difficulties to have a voice and express their needs and wishes. Customers will be supported to resolve issues and difficulties which would otherwise have a negative impact on their physical and mental well-being.
- 4.5 This advocacy service acts as an effective shield to costly frontline services and supports customers to resolve issues and difficulties independently, or with the support of an advocate.
- 4.6 It is acknowledged, within the advocacy sector, that evidencing and quantifying the outcomes of advocacy interventions is challenging and lacking in robust financial tools, such as logic models. This procurement aims to address this by requiring bidders, as part of their tender, to specify the information they would collect, together with their methodology to ensure accuracy of results. This will subsequently allow further analysis on value for money and the contribution to the prevention agenda that these services provide. However, robust return on investment evidence has been identified

in regard to the support for parents with a learning disability in child care proceedings (as detailed in Appendix 1).

- 4.7 It is considered that a contract term of up to 5 years is necessary to encourage new bidders, deliver continuity of service and support stability both within the market and for the people who rely on the services for whom frequent changes are problematic. A shorter term contract could lead to more frequent changes in provider and would necessitate customers with significant communication challenges being moved to a new provider.

4.8 Future transformation, savings/efficiencies being delivered

- 4.9 The procurement will deliver value for money through achieving the best balance of a high quality service providing effective interventions and the capacity to support as many customers as possible. It is anticipated that by supporting people through the specialist advocacy model that a proportion of those presenting to the service will be diverted from accessing statutory services (as detailed in Appendix 2), which will deliver efficiencies and cost avoidance in social care and health spend.
- 4.10 This procurement presents an opportunity to improve the way in which advocacy outcomes are quantified and evidenced. The resulting financial models will be used to illustrate the benefit, both social and financial, of the new service and will provide valuable data to inform future commissioning.
- 4.11 It is anticipated that the provider will add social and economic value through the use of volunteers to support service delivery.

4.12 Human Resources, IT and Assets Impact

- 4.13 There will be no increase in current IT requirements.
- 4.14 There will be no additional staff resourcing implications for the Council.
- 4.15 The Council will not be providing any assets for delivery of the service. No Council premises will be made available to bidders for the service.

5. Legal Implications

- 5.1 The provision of prevention support, as provided by specialist advocacy, is a mandatory duty and will be provided on behalf of the Council by this procurement.
- 5.2 Under the Autism Act 2009, the local authority has a duty to implement the National Adult Autism Strategy. The Self Advocacy groups supported by this service support the Council to meet this statutory duty. The Self Advocacy Groups in turn participate in the Autism and Learning Disability Partnership Boards, another requirement under the Autism Act. The groups also facilitate disabled peoples participation in public life, which the council has a positive duty to pay regard to under the Equality Act 2010.

- 5.3 Specialist advocacy supports the Council's duties under the Care Act 2014 to provide or arrange for services to prevent, delay or reduce individuals' needs for care and support.
- 5.4 The existence of an independent advocacy service, which supports the customer's voice to be heard, supports the Council's Legal Services to mitigate against challenges regarding Deprivation of Liberty authorisations.
- 5.5 The procurement of a specialist advocacy service has a reputational benefit for the Council, in that it will be seen to have listened to strong views from customers and to be in step with other local areas all of whom commission this type of advocacy.
- 5.6 The value of the proposed contract of £1.2m is above the relevant EU Thresholds as referred to in the PCR 2015 of £615,278 for Social and other specific Services ("Light Touch Services"). As such the Council will competitively tender these services in accordance with the procedures set out in PCR 2015.
- 5.7 The Council will enter into a services contract using terms and conditions, approved by Commercial Legal Services and compliant with section 10 of the Council's Standing Orders on Procurement and Contracts.
- 5.8 The Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE") is likely to apply on the commencement of the new contract should there be a change of service provider. The Council has adequate contractual provisions in place in the existing contract to facilitate the transfer of relevant information between old and new provider above and beyond the statutory provisions which should ensure a smooth transfer of service.
- 5.9 There is no risk that this contract will be considered illegal State Aid because the contract will be subject to a competitive tender thereby ensuring that the Council is not selectively granting an advantage to one particular economic operator over another.

6. Risk Assessment Implications and Mitigations

- 6.1 Delay to the procurement risks either a gap in service or another short extension, which would likely lead to loss of staff and workforce and continued anxiety and distress for self-advocates and service users.
- 6.2 Demand management benefits and customer outcomes would not be delivered and there could be risk of challenge as to whether the Council is delivering its statutory duties under the Care Act, Autism Act and Equalities Act.

7. Other Options Considered

- 7.1 A review of the existing advocacy service explored whether it should continue to be provided. The review concluded that the service supports the Council to meet its statutory duties as outlined in section 5 of this report. The option to discontinue a specialist advocacy service was therefore disregarded and a recommendation made to reprocure the service.

7.2. The inclusion of the Independent Health Complaints Advocacy Service in this procurement was explored; however, Public Health budget holders took the decision to jointly procure the IHCA's in conjunction with the Healthwatch service.

8. Equality and Human Rights Assessment

8.1 This advocacy service supports the Council to meet its public sector equality duty, under the Equality Act 2010, with regard to customers with a protected characteristic due to their disability.

8.2 By its very nature the advocacy service will actively:

- Work towards elimination of unlawful discrimination, harassment and victimisation of people with a disability,
- Promote equality of opportunity for people with a disability and
- Promote good relations between people with and without a disability.

9. Social Value and Sustainability Assessment

9.1 The Council will require the service provider to deliver, throughout the term of the contract, continued improvement to the economic, social and environmental well-being of West Sussex in respect of such areas as:

- Economy: effective use of volunteers to maximise the reach of the service and value for money for the Council. Volunteers will also gain valuable experience which can increase their employability.
- Society: Advocacy directly improves the well-being of customers in crisis, whilst promoting independence and resilience.
- Environment: The commissioning process will require bidders to specify how they will reduce the environmental impact of their services; responses will be scored as part of the tender evaluation.

10. Crime and Disorder Reduction Assessment

10.1 None

Kim Curry
Executive Director People Services

Contact Officer: Liz Merrick, Commissioning Manager (Working Age Disability), tel 033022 23733

Appendices:

Appendix 1: Return on Investment.

Appendix 2: Future transformation, savings/efficiencies being delivered.

Background papers : None

Appendix 1

Return on Investment (ROI)

Illustration based on logic modelling: Advocacy Support for Parents with a Learning Disability subject to Child Care Proceedings

The Personal Social Services Research Unit at the University of Kent and LSE published ROI figures from the April 2013 discussion paper 'Investing in Advocacy Interventions for Parents with Learning Disabilities: What is the Economic Argument?'. This focused on the ROI from advocacy support for parents with a Learning Disability who are subject to Child Care Proceedings (CCP).

ROI figures from the above report are extracted below:

Beneficiary	Return on investment
Children's social services	1.20
Public services (all)	2.00
Societal perspective (government costs, quality-of-life and productivity gains)	2.40

Based on this research, the ROI for the CCP support currently provided is illustrated below, however preliminary exploration of the ROI in West Sussex indicates much higher levels of return, which need to be explored more fully:

Beneficiary	ROI £
Children's social services	36,670
Public services (all)	61,116
Societal perspective (government costs, quality-of-life and productivity gains)	73,339
Total	171,125

B&HCC has copied the WSCC model of CCP advocacy support and included in their own advocacy provision.

Appendix 2

Future transformation, savings/efficiencies being delivered

It is anticipated that by supporting people through the specialist advocacy model that a proportion of those presenting to the service will be diverted from accessing statutory services:

- An analysis of referrals to the current service has evidenced that 46% of customers supported were diverted from front line funded Social Care services.
- In 51% of cases the advocacy intervention significantly reduced the time required from social workers.
- 18% of customers require a significantly reduced level of costly social work intervention due to the advocacy support.
- 26% of customers supported to avoid debt and 7% of customers have been supported to avoid potential, costly safeguarding investigations. Benefits to the wider health & social care system can be evidenced such as reduced emergency hospital admissions, GP appointments & demand for MH support services.
- Additional benefits of the service include the use of volunteers and developing the potential of Self –Advocates to promote employment opportunities.

Supporting disabled people, who are more likely to have low income and live in rented accommodation, with issues related to finances or housing prevents poor health, including mental health, and funded interventions from social care, GP's or A & E. The London School of Economics has shown a Return-On-Investment of at least £2.60 from every £1 invested in face-to-face debt advice services (this is considered a conservative estimate). (estimated % from report)