

<b>Director of Adults Services</b>	<b>Ref No: OKD22 18/19</b>
<b>February 2019</b>	<b>Key Decision: Yes</b>
<b>Contract Award for an Integrated Independent Advocacy Service</b>	<b>Part I Part II appendices</b>
<b>Report by Executive Director Childrens, Adults, Families, Health and Education</b>	<b>Electoral Division(s): All</b>
<p><b>Summary</b></p> <p>This report seeks approval to award a contract for integrated advocacy services to be delivered from July 2019. This procurement has been undertaken jointly with Brighton &amp; Hove City Council and East Sussex County Council.</p> <p>Initially the proposed contract will integrate two statutory services: Independent Mental Capacity Advocacy and Independent Care Act Advocacy. There is scope for Independent Mental Health Advocacy to be included from April 2020.</p> <p>Key decision AH7 18-19 approved the procurement of an integrated advocacy service. Accordingly an experienced provider has been procured through a compliant, open and competitive procurement.</p> <p>The Director of Adult Services has delegated powers to award the Contract to the bidder that provides the most advantageous tender. This report seeks the approval of the Director of Adult Services to make the contract award.</p>	
<p><b>West Sussex Plan: Policy Impact and Context</b></p> <p>Impact on the West Sussex Plan – a council that works for the community.</p> <p>The service will be customer focussed with one front door access point for customers needing the services. This reflects the feedback from service users and provides a more customer focussed service.</p>	
<p><b>Financial Impact</b></p> <p>Following robust evaluation of all eligible bids, the most advantageous tender has an annual cost starting at £0.360m per year, rising to £0.652m if the Independent Mental Health Advocacy is included from 2020/21 onwards. In addition, management costs of £5,000 per year will be incurred. All costs can be met from within the approved budget, allowing for those elements funded by the CCGs</p>	
<p><b>Recommendation</b></p> <p>That the Director of Adult Services approves:</p> <p style="padding-left: 40px;">The award of contract for an Integrated Advocacy Service for up to 6 (4 &amp; 1 &amp; 1)years to PoHWER who submitted the highest scoring tender.</p>	

# **PROPOSAL**

## **1. Background and Context**

- 1.1 Advocacy is essential for people who due to a disability, health condition, communication difficulty, financial circumstances or social attitudes, find themselves in a position where their ability to exercise choice or represent their own interests is limited, or where processes are particularly complex to navigate, such as social care and health pathways. Advocates play an important role in feeding back to the Council and NHS on how to improve services to make them more accessible to people.
- 1.2 There are statutory duties for the following advocacy provision:
  - Independent Mental Capacity Advocates (IMCA) under the Mental Capacity Act 2005
  - Independent Mental Health Advocates (IMHA) under the Mental Health Act 2007
  - Independent Care Act Advocacy (ICAA) under the Care Act 2014

## **2.0 Proposal Details**

- 2.1 The Procurement was led by Brighton & Hove City Council and was run as a competitive open tender, via the online portal.
- 2.2 All providers were invited to participate in pre-market consultation via Contracts Finder notice. The findings from this consultation were built into the specification, tender documentation and procurement process as appropriate.
- 2.3 A Contract Notice was issued in the Official Journal of the European Union (OJEU). Further promotion of the requirement was made through the e-Sourcing Portal and Contracts Finder.

The tender documents were uploaded to [sesharedservices.org.uk](http://sesharedservices.org.uk) and were issued on 17<sup>th</sup> October 2018 for any interested organisations to access.
- 2.4 3 Tender responses were submitted by the tender return deadline of the 17th December 2018 at 13:00.
- 2.5 Prior to commencement of any evaluation, it was agreed that the service provider submitting the most economically advantageous tender (MEAT) would be recommended for award of the contract.
- 2.6 The tender evaluation criteria and assessment model as detailed below, was agreed by officers, and was included in the tender documentation.

<b><u>CRITERIA</u></b>	<b><u>WEIGHTING</u></b> <b><u>(100%)</u></b>
<b>Technical 80%</b>	
Method Statement Questions	80%
<b>Commercial 20%</b>	
Financial Evaluation	20%

- 2.7 The evaluation results are included in Appendix 1 of this report
- 2.8 It is proposed that PoHWER, who submitted the most economically advantageous tender, be awarded the Integrated Advocacy Services Contract. This award is subject to a standstill period of ten days to reflect the transparency principles contained within Regulation 87 of the Public contract regulations 2015.
- 2.9 Once the standstill period has been completed and if there is no successful challenge to the contract award process, a formal award letter together with the Contract in duplicate will be sent to the successful provider for execution. The County Council will complete the contract execution process.
- 2.10 The new service will start in July 2019 for a period of four years with the possibility of two extension periods, each consisting of one year up to a maximum period of six years (4 & 1 & 1 years).

## **FACTORS TAKEN INTO ACCOUNT**

### **3.0 Consultation**

- 3.1 The Cabinet Member for Children and Young People has been consulted regarding the proposals.
- 3.2 Internal stakeholders have been consulted with and are part of the WSCC Procurement Group. The Group consists of representatives from:
- Operations – Adults, Learning Disability, Mental Health, Children’s.
  - Commissioning – All Age, CAMHS, Mental Health, Prevention, Learning Disability, Children’s
  - CCGs – Mental Health commissioners
  - Finance
  - Procurement
  - Legal
  - Contracts
- 3.3 A stakeholder engagement event in March 2018, set up and led by Brighton & Hove City Council was attended by representation from West Sussex County Council.

- 3.4 The event was attended by local, regional and national providers of advocacy, including all the current service providers in West Sussex. Providers were asked for their perspective on the opportunities for pan Sussex work, providing a central point of access whilst retaining specialist provision, different models for delivery of services (single provider versus partnership models with a lead provider) and to consider whether advocates could provide more than one advocacy role.
- 3.5 The consensus was that a single point of access was desirable but the majority of providers, including those providing single advocacy services elsewhere in the country, reported it was very difficult for a single organisation to provide the breadth of advocacy required across all the protected characteristics, therefore partnerships between providers would need to be forged. The results of the above consultations helped to shape the service model for the new contract.

#### **4. Financial (revenue and capital) and Resource Implications**

- 4.1 The contract being awarded commences from 1 July 2019 for 4 years to cover statutory advocacy provision for:
- Independent Mental Capacity Advocates (IMCA) under the Mental Capacity Act 2005
  - Independent Care Act Advocacy (ICAA) under the Care Act 2014

West Sussex County Council (WSCC) solely fund the IMCA and ICAA provision.

- 4.2 The award includes scope for mental health advocacy services to become part of the contract from 1 April 2020 for the remainder of the contract term. This would cover advocacy provision for:
- Independent Mental Health Advocates (IMHA) under the Mental Health Act 2007

WSCC and the West Sussex Clinical Commissioning Groups (CCGs) jointly fund IMHA services and WSCC act as the lead mental health commissioners for these services.

4.3 The financial revenue consequences of this proposal are as follows:

	<b>Contract Year 1 2019/20 £m</b>	<b>Year 2 2020/21 £m</b>	<b>Year 3 2021/22 £m</b>	<b>Year 4 2022/23 £m</b>
<b>Total contract costs:</b>				
Phase 1 – IMCA & ICAA	0.360	0.360	0.360	0.360
Phase 2- IMHA	-	0.292	0.292	0.292
<b>Total Contract cost</b>	<b>0.360</b>	<b>0.652</b>	<b>0.652</b>	<b>0.652</b>
Annual cost of paying B&H for Procurement & Management	0.005	0.005	0.005	0.005
<b>Total contract cost (including management costs)</b>	<b>0.365</b>	<b>0.657</b>	<b>0.657</b>	<b>0.657</b>
<b>Funded by:</b>				
Total Revenue budget impact for WSCC (including annual management costs)	0.365	0.403	0.403	0.403
Total Revenue budget impact for CCGs	-	0.254	0.254	0.254
<b>Total contract funding(including management costs)</b>	<b>0.365</b>	<b>0.657</b>	<b>0.657</b>	<b>0.657</b>

4.4 The table above demonstrates that the proposal is fully funded, within existing approved budgets. The price submitted in the successful tender is £18K less than the ceiling price for the service, for the current level of activity. This will give the Council flexibility to meet future increases in demand for these statutory services.

The effect of this proposal is the delivery of statutory advocacy which supports the Council to meet its legal duty. An integrated approach enables flexible deployment of multi-skilled staff, which will result in increased efficiency and more advocacy provided within budget.

## **5 Legal Implications**

5.1 There are no foreseeable legal implications associated with this proposal.

## **6 Risk Assessment Implications and Mitigations**

6.1 The risk of challenge from unsuccessful bidders is mitigated by the robust and thorough evaluation and moderation of tenders, which has been documented and evidenced.

## **7. Other Options Considered**

7.1 Alternative procurement options were considered as part of the Key Decision Report taken on (Ref: AH7 18.19)

## **8. Equality and Human Rights Assessment**

8.1 There are no foreseeable equality and Human Rights Act implications associated with this proposal.

## **9. Social Value and Sustainability Assessment**

9.1 Commissioning of the Integrated Advocacy service requires providers to make reference to County Council policy on social value and take full account of the social, environmental and economic impacts of any decisions upon the local communities concerned.

9.2 To mitigate any risk and to ensure a positive impact on the environmental wellbeing of the area, the service specification requires service providers to ensure that sustainability and the corporate priorities set within the Sustainability Strategy are embedded into service delivery and continuous service improvement. The County Council will engage with providers in relation to their carbon monitoring and reporting.

9.3 All of the service provision is delivered locally and as such supports local employment. Through the procurement, providers' approaches to recruitment, retention and workforce development have been evaluated to ensure an approach to employment which supports recruitment and incentivises retention.

## **10. Crime and Disorder Reduction Assessment**

10.1 There are no foreseeable crime and disorder implications associated with this proposal.

**Contact Officer:** Liz Merrick, Commissioning Manager, ext 23733

### **PART II Appendices**

Appendix 1 Summary of Scores

### **Background papers**

None