

CABINET MEMBER SIGNING

Thursday, 15th December, 2022, 9.00 am

Members: Councillor Lucia das Neves – Cabinet Member for Health, Social Care, and Wellbeing.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

3. CONTRACT AWARD FOR THE PROVISION OF THE JOINT INDEPENDENT MENTAL HEALTH ADVOCACY (IMHA), MENTAL CAPACITY ADVOCACY (IMCA)/ CARE ACT AND INDEPENDENT HEALTH COMPLAINTS ADVOCACY (IHCA) SPECIALIST SERVICES FOR THE LONDON BOROUGH OF HARINGEY (PAGES 1 - 8)

4. EXCLUSION OF THE PRESS AND PUBLIC

Item 5 is likely to be subject to a motion to exclude the press and public from the meeting as it contains exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paras 3 and 5, namely information relating to the financial or business affairs of any particular person (including the authority

holding that information) and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

5. EXEMPT - CONTRACT AWARD FOR THE PROVISION OF THE JOINT INDEPENDENT MENTAL HEALTH ADVOCACY (IMHA), MENTAL CAPACITY ADVOCACY (IMCA)/ CARE ACT AND INDEPENDENT HEALTH COMPLAINTS ADVOCACY (IHCA) SPECIALIST SERVICES FOR THE LONDON BOROUGH OF HARINGEY (PAGES 9 - 12)

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Wednesday, 07 December 2022

Report for: Cabinet Member Signing – 15 December 2022

Title: Contract Award for the Provision of the Joint Independent Mental Health Advocacy (IMHA), Mental Capacity Advocacy (IMCA)/ Care Act and Independent Health Complaints Advocacy (IHCA) Specialist Services for the London Borough of Haringey

Report authorised by: Vicky Murphy, Interim Assistant Director of Adult Social Care

Lead Officer: Aphrodite Asimakopoulou, Commissioning Manager, aphrodite.asimakopoulou@haringey.gov.uk

Ward(s) affected: All

Report for Key/ Non Key Decision: Key Decision

1. Describe the issue under consideration

- 1.1 This report seeks approval to the implementation of Contract Standing Order 16.02 for award of contract.
- 1.2 The contract to be awarded is for a single provider to lead the delivery of joint statutory advocacy services for the London Boroughs of Barnet, Enfield and Haringey namely, Independent Mental Health Advocacy (IMHA), Independent Mental Capacity Advocacy (IMCA), Care Act (CA) and Independent Health Complaints Advocacy Services (IHCAS).
- 1.3 The proposed contract shall run for a period of three (3) years with the option to extend for further period of one year plus one year.

2. Cabinet Member Introduction

Not Applicable

3. Recommendations

The Cabinet Member for Health, Social Care, and Wellbeing is recommended:

- 3.1 To approve the implementation of Contract Standing Order 16.02 and award a contract to a single provider, namely Provider 1 whose details are set out in the exempt appendix*, to lead the delivery of joint statutory advocacy services including Independent Mental Health Advocacy (IMHA), Independent Mental Capacity Advocacy (IMCA), Care Act (CA) and Independent Health Complaints Advocacy Services (IHCAS) for a period of 3 (three) years from the 1st of April 2023 to the 31st of March 2026 at cost of £480,000 per annum for the three London Boroughs with provision for extension for a further period of one year plus one year.

- 3.2 The contract value over the life of the contract including extensions will be £2,400,000 for all three London Boroughs.
- 3.3 The cost to the Council will be up to £139,200 per year and up to £696,000 over the life of the contract (initial 3 years cost of up to £417,600 plus one year plus one extensions).

** Barnet Council is the Lead Authority for this tender. Procurement Regulations require that all bidders know the outcome of the process at the same time so it is not possible to publish the name of the winning bidder in the open report. If the required processes have been undertaken by the time of the Cabinet Member Signing, the successful provider can be named in the public section of the minutes.*

4. Reasons for decision

- 4.1 The current jointly commissioned statutory advocacy contracts with the London Boroughs of Barnet, Enfield and Haringey for IMHA, IMCA and CAA expire on the 31st of March 2023.
- 4.2 After a tri-borough benchmarking exercise led by Barnet, it was decided to procure IMHA, IMCA, CAA and IHCAS services via a single provider approach with one provider leading and potential subcontracts in place if deemed beneficial. These services will be commissioned for 5 years with a break clause in the contracts at the end of year 3 and year 4.
- 4.3 The single provider approach has been considered carefully and deemed the most suitable option as combining the services together enables service users to be supported by the same advocate/service for IMHA, IMCA, CAA and IHCAS advocacy services should they need the input of these services. This reduces the need for a person to repeat their story to different advocates and allows for a more efficient service. This model also facilitates an integrated referral system, improved and easier performance monitoring, scope for economies of scale as well as closer working partnerships with key neighbouring boroughs.
- 4.4 On that basis, a fully compliant tender process has been carried out and the recommendation in section 3 is made following the completion of evaluations by a joint team of Council officers across adults social care from the London Boroughs of Barnet, Enfield and Haringey. This recommendation provides best value for the Council.

5. Alternative options considered

- 5.1 Haringey to commission advocacy services independently:

This option was considered but it was deemed more beneficial to jointly commission the services with neighbouring boroughs in order to benefit from economies of scale associated with collaborative procurements.

- 5.2 Do nothing

This is not an option as these are statutory services.

6. Background information

- 6.1 The Council is required to commission Advocacy Services to ensure compliance with the Council's statutory duties as set out within the relevant legislations including but not limited to:
- The Mental Health Act 2015
 - The Mental Capacity Act 2005 and associated Code of Practice
 - The Mental Capacity Act 2005 (Independent Mental Capacity Advocates) (General) Regulations 2006
 - Mental Capacity (Amendment) Act 2019
 - The Health and Social Care Act 2012
 - The Care Act 2014
 - The Autism Act 2009
 - The National Disability Strategy 2021
 - The National Strategy for Autistic Children, Young people and Adults 2021 to 2026
- 6.2 The Council has historically commissioned statutory advocacy services jointly with the London Boroughs of Barnet and Enfield since the 1st of April 2014 and this arrangement has worked well.
- 6.3 Currently the Council jointly commissions IMHA, IMCA and CAA services with the London Boroughs of Barnet and Enfield since the 1st of April 2018 and until the 31st of March 2023.
- 6.4 The priority focus of this procurement has been to build on the success of the current services in place for Haringey residents and focus on further enhancing these statutory advocacy services to maximise intended outcomes.
- 6.5 The re-procurement was via an open, single stage, competitive re-tendering exercise to realise a single provider approach to all advocacy services, which provided an opportunity to all market suppliers to participate and submit their individual bid.
- 6.6 The Tri-Borough procurement was led by the London Borough of Barnet Council which sought re-commissioning evidence-based best practice statutory advocacy services in a single lot with a single lead provider with an option to subcontract each of the service areas if necessary.
- 6.7 The London Borough of Barnet was supported by a team of representatives from commissioning and procurement from Haringey and Enfield Boroughs.
- 6.8 As the contract value was above the requisite threshold of the Public Contracts Regulation 2015 the opportunity was advertised on Find a Tender Service as well as Contracts Finder and Barnet Council's E-Sourcing portal
- 6.9 Organisations were invited to submit a tender outlining their organisational experience and how they would meet the requirements of the specifications. The closing date for tender submissions was the 31st of October 2022. There were 11 expressions of interest from providers and 3 compliant bids were received.

- 6.10 The tender evaluation panel was comprised of representatives from commissioning across tri-boroughs, Adults and Health, Operational and Care Quality staff, as well as an expert by experience.
- 6.11 The tenders were evaluated on a 60:40 price quality basis as outlined in the table below.
- 6.12 The tender price evaluation was split between the fixed annual price for the duration of the contract, plus an hourly rate for the delivery of additional hours. During the Tender bidders were required to provide fixed rates (within the budget set by the Council) for the contract period for service they intended to bid for.
- 6.13 The quality award criteria accounted for 60% of the total score as set out in the table below.
- 6.14 Quality – Tri-Borough Advocacy Services

Question no.	Question topic	Response type	Word time limit	Weighting
1	Service Delivery - presentation	Presentation	20 minutes	10%
2	Service Outcomes - presentation	Case Study Response	15 minutes	10%
3	Staffing	Written	1000	10%
4	Partnership Working	Written	1000	10%
5	Sub-contractual arrangements	Written	750	5%
6	Mobilisation, management of change and contingency planning	Written	1000	5%
7	Social Value	Written	1000	10%
Total				60%

6.15 Scoring

The following scoring scale was applied to method statement responses:

Score	Definition
0	Very poor, No response
1	Poor response
2	Limited response
3	Satisfactory response
4	Good response
5	Outstanding response

6.16 Based on the overall evaluation criteria above the scores were as follows:

Provider	Annual Price for minimum guaranteed hours of 15000 (5 Years)		Hourly rate for additional delivered hours		Quality	Total
	(£)	Score	(£)	Score	Score	Score
Provider 1	2,400,000	1	See Exempt report – Part B	2	1	1
Provider 2	2,400,000	1	As above	2	2	2
Provider 3	2,400,000	1	As above	1	3	3
Provider 4	Non-compliant bid received					

6.17 The recommended bidder submitted the most economically advantageous tender at a price of £2,400,000 for the five-year term of the contract which is within the available maximum contract value.

6.18 Additional hours above the minimum hours guarantee will be funded by the commissioning borough at the tendered hourly rate (see Exempt report- Part B) for every 500 hours purchased on top of block.

7. Transition arrangements and contract management

7.1 The contract is scheduled to start on the 1st of April 2023, allowing for a period of transition between the incumbent providers and the successful tenderers.

7.2 Tenderers were asked to provide an implementation plan as part of their submission, including provision for service handover, which will be monitored by representatives from across the three boroughs to ensure timely service commencement.

- 7.3 Contract management will be incorporated into the contract. Key performance indicators are included within the service specification and will be monitored by representatives of the three boroughs on a quarterly basis.
- 7.4 The contracts will be underpinned by a partnership agreement which sets out the obligations of each of the three boroughs in the management and execution of the contracts. This agreement also sets out how each respective boroughs' contributions to the contract will be calculated based on past usage.
- 7.5 Regular financial monitoring forms part of the contracts, as does working within the ethos of continuous service improvement. Providers will be required to evidence key performance indicators that will form part of performance monitoring and contract monitoring which will take place on a quarterly basis.
- 7.6 There are TUPE implications associated with the advocacy services contract. The successful bidder will be required to work closely with the incumbent providers to manage TUPE implications as part of mobilisation of the new contract.

8. Contribution to strategic outcomes

The IMHA, IMCA, CAA and IHCAS specialist advocacy services are statutory requirements.

The above services are directly linked to the delivery of the Borough Plan 2019-2023 and specifically to the People Delivery Plan Outcome 7

'All adults are able to live Healthy and fulfilling lives, with dignity, staying active and connected in their Communities'.

9. Statutory Officer Comments

9.1 Finance

This report is seeking approval to award a contract for a period of 3 years commencing from 1st Apr 2023 until 31st Mar 2026 with an option to extend for a further 2 years. Annual cost is £139,200 and subsequently total contract value is £696,000 under maximum duration.

	23/24 £m	24/25 £m	25/26 £m	26/27 £m	27/28 £m	Total £m
Gross Budget	0.139	0.139	0.139	0.139	0.139	0.696
Gross Expenditure	0.139	0.139	0.139	0.139	0.139	0.696

Funding will be met from the general fund budget in Adults, Communities and Health. There is sufficient annual budget to meet the allocated expenditure of over financial years 2023/24 - 2027/28.

9.2 Procurement

9.2.1 The service is within ambit of the Public Contracts Regulations 2015 and was duly advertised and tendered as prescribed.

9.2.2 The requested award is in line with the requirements of Contract Standing Orders 16.02 and 9.07.1d and provides best value for the Councils due to aggregated demand and attendant efficiencies.

9.2.3 During contract term representatives from each borough will review contractual evidence relating to key performance indicators, as well as undertake regular financial and contract monitoring to ensure deliverables are met.

9.3 Legal

9.3.1 The Head of Legal and Governance (Monitoring Officer) has been consulted in the preparation of the report.

9.3.2 Strategic Procurement have confirmed the procurement of the contract which this report relates to has been undertaken in accordance with the Council's Contract Standing Orders and the Public Contracts Regulations 2015.

9.3.3 Pursuant to Contracts Standing Order 16.02 a Cabinet Member with the relevant portfolio responsibilities has authority to approve the award of the contract which this report relates to.

9.3.4 The Head of Legal and Governance (Monitoring Officer) has confirmed the Cabinet Member for Health, Social Care, and Wellbeing has authority to approve the recommendations in the report.

9.4 Equality

9.4.1 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- I) Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- II) Advance equality of opportunity between people who share those protected characteristics and people who do not;
- III) Foster good relations between people who share those characteristics and people who do not.

The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty. Although it is not enforced in legislation as a protected characteristic, Haringey treats socioeconomic status as a local protected characteristic.

9.4.2 By their nature independent advocacy services advance equality of opportunity between people that share protected characteristics because it provides support and representation for vulnerable adults and children, including disabled people,

to participate fully in decisions for them and about them. Such services also help to prevent discrimination and harassment from occurring.

9.4.3 The contract specifications clearly set out the provider's responsibilities under the Equality Act 2010, including a requirement to ensure that the service is accessible to all sections of the community.

9.4.4 The contractor's compliance with the Equality Act 2010 will be quality assured through regular contract monitoring and service review.

10. Use of Appendices

Appendix 1 – Part B (Exempt Information)

11. Local Government (Access to Information) Act 1985

N/A

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is exempt

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