



Report for:	Cabinet - 11 February 2014	Item Number:	
--------------------	-----------------------------------	---------------------	--

Title:	Joint Procurement of Advocacy Services
---------------	---

Report Authorised by:	Mun Thong Phung Director of Adult Social Services
------------------------------	--

Lead Officer:	Charlotte Pomery Interim Assistant Director, Commissioning
----------------------	---

Ward(s) affected: All	Report for Key Decisions:
------------------------------	----------------------------------

1. Describe the issue under consideration

- 1.1. This report seeks approval for award of contract for provision of statutory advocacy services for Independent Mental Capacity Advocates (IMCA), Independent Mental Health Advocates (IMHA), and Deprivation of Liberty Safeguards (DoLS) Relevant Person Paid Representatives to the successful provider VoiceAbility Advocacy.

2. Cabinet Member Introduction

- 2.1. The Cabinet is asked to agree that the Council enter into agreement with Barnet and Enfield in relation to commissioning and procuring statutory advocacy services across the three boroughs. These services support some of the most vulnerable people to maintain independence and dignity whilst using mental health provision.
- 2.2. As Cabinet Member for Health and Adult Services I support these recommendations for the award of contract and arrangements for joint commissioning of this set of services which will support effective and efficient service delivery to vulnerable people.

3. Recommendations

- 3.1. Cabinet is asked to give approval for award of the contract and arrangements for joint commissioning of statutory advocacy services for Independent Mental



Haringey Council

Capacity Advocates (IMCA), Independent Mental Health Advocates (IMHA), and Deprivation of Liberty Safeguards (DoLS) Paid Representatives.

- 3.2. Subject to approval being granted, London Borough of Haringey shall enter into contractual arrangement jointly with London Borough of Barnet, London Borough of Enfield and award the contract to VoiceAbility Advocacy.
- 3.3. The contract shall run for a period of 3 years with an option to extend for a further period of one year plus one year.

4. Alternative options considered

4.1. The following options were considered:

- 4.1.1. Procurement of Haringey only services for Independent Mental Capacity Advocates (IMCA), Independent Mental Health Advocate Services (IMHA), and Deprivation of Liberty Safeguards (DoLS) Paid Representative.
- 4.1.2. Procurement of individual services separately with potentially different providers for each.
- 4.1.3. Procurement jointly with the three boroughs of Barnet, Enfield and Haringey for all three services of Independent Mental Capacity Advocates (IMCA), Independent Mental Health Advocates (IMHA), and Deprivation of Liberty Safeguards (DoLS) Paid Representatives.

4.2. The third procurement option for commissioning of the three services across the 3 boroughs of Barnet, Enfield and Haringey was chosen. This is because there is a robust market and a good range of providers with experience and the necessary infrastructure in place to be able to deliver cost effective, quality and efficient service across three boroughs. The arrangements offer efficiency to each of the partners, enabling greater leverage over a single provider to deliver a high quality service. Each of the three boroughs have worked together with regard to some of these services previously and commission the Barnet, Enfield and Haringey Mental Health Trust to deliver mental health services with the opportunity to improve access to statutory advocacy.

5. Background information

- 5.1. The Mental Capacity Act 2005 requires local authorities to appoint Independent Mental Capacity Advocates (IMCA) to represent individuals who may lack capacity to make decisions regarding their health or social care as a result of their disability, illness such as dementia or brain injury or mental health problems.
- 5.2. The Mental Capacity Act 2005 (MCA) further requires that anything done to, or on behalf of, someone who lacks the capacity to make their own decisions must



Haringey Council

be in their best interests. Under the terms of the MCA, every person deprived of their liberty must have a representative to protect their interests throughout the process. Where no friend or family member is willing or eligible to act in this role, a paid representative will be appointed and this is the service offered through the DoLS Paid Representative provision.

- 5.3. The services for appointing Independent Mental Capacity Advocates (IMCA) and (DoLS) Paid Representatives have been provided jointly across Barnet, Enfield and Haringey for the last 4 years with Barnet acting as the lead borough.
- 5.4. The recent Health & Social Care Act 2012 transferred the duty to provide Independent Mental Health Advocate Services (IMHA) from the NHS and Department of Health (DH) to local authorities in April 2013. An IMHA is a specialist mental health advocate, who helps qualifying patients understand the legal provisions to which they are subject under the Mental Health Act 1983 Act and the rights and safeguards to which they are entitled, and helps those patients exercise their rights through supporting participation in decision-making. IMHAs are an important safeguard that will help and support patients to understand and exercise their legal rights.
- 5.5. When the responsibility first transferred, Haringey continued with the arrangements for provision of IMHA which Haringey Clinical Commissioning Group had put in place to allow sufficient time for consideration of alternative options.
- 5.6. All three contracts, IMHA, IMCA and (DoLS) Paid Representative, will end on 31st March 2014.
- 5.7. Following consideration of alternative options, commissioning teams from Barnet, Enfield and Haringey agreed that the most efficient and cost effective services would be to jointly procure all three services for the 3 boroughs.
- 5.8. A procurement process was led by London Borough of Enfield in line with their Contract Procedure Rules, however all 3 boroughs were involved in developing the tender documents (including Pre-Qualification Questionnaire (PQQ)), evaluation criteria and assessing the PQQ and tender submissions.
- 5.9. The procurement exercise was carried out by using the Restricted Tendering process. This is 2 stage process;
 - 5.9.1. Stage-1 potential organisations were invited to submit Pre- Qualification Questionnaire and following the evaluation top 5 scoring bidders were invited to submit their tender.
 - 5.9.2. At Stage-2 the organisation's submitted tenders were assessed by using Most Economically Advantageous method and the total 1050 points were broken down as:



Haringey Council

- Quality (400 points);
- Price (600 points); and
- Interview by service users (50 points).

5.10. The tender evaluation criteria and weighting were set out in the tender documents and clarified during the tendering process

5.11. The table below shows the detail of the winning tenderer:

Tenderers	Quality Points Scores Out of 400	Price/Cost Points Scores Out of 600	Service Users points Scores Out of 50	Total points Scores Out of 1050	Tender Price for 3 Years
VoiceAbility Advocacy	250	600	25	875	£548,653.00
Company A	263	560	35	858	£588159.00
Company B	293	515	35	843	£639,805.00
Company C	313	504	25	842	£653,741.33

5.12. See Part B for exempt information

5.13. Transition and Contract Management

5.13.1. Contract management will be incorporated into the Contract. Key Performance Indicators and Method of Measurements are integrated within the service specification and will be monitored through contract monitoring meetings and reports.

5.13.2. Monitoring meetings will be held monthly for the first 3 months and quarterly thereafter. The purpose of monthly monitoring meetings will be to examine the implementation of the service, monitor delivery of the service at an operational level and to foster partnership working to facilitate early resolution.

6. Comments of the Chief Finance Officer and Financial Implications

6.1. The report is seeks approval for award of contract for provision of statutory advocacy services for Independent Mental Capacity Advocates (IMCA), Independent Mental Health Advocates (IMHA), and Deprivation of Liberty Safeguards (DoLS) Relevant Person Paid Representatives to the successful provider VoiceAbility Advocacy.

6.2. The tenders were assessed by using Most Economically Advantageous method and broken down into Quality, Price and Interview by service users. The



Haringey Council

successful bidder scored highest for price and received overall highest score for the three criteria's being measured.

- 6.3. This is a joint tender for services to clients in Barnet, Enfield and Haringey for a 3 year contract (plus option to extend for 1 further year plus 1). The funding for this is through Local Reform Community Voices and the grant amounts are only known for 2013/14 and 2014/15. Thereafter the funding is expected to be rolled into the council's Revenue Support Grant. To ensure this does not become a financial pressure beyond 2014/15 the funding implications will be built into Adults budgets within the MTFP.
- 6.4. The total budget available for this tender between the three authorities is £264,541 in 2014/15 (Haringey £90,320, Enfield £77,406 and Barnet £96,815). The tender bid is £180,716 and therefore there is a saving for each authority.

7. Head of Legal Services and legal implications

- 7.1 The Head of Legal Services notes the contents of the report.
- 7.2 The services are not considered priority services so there was no requirement for the Council to follow a European tendering exercise under the Public Contracts Regulations 2006 (as amended).
- 7.3 London Borough of Enfield was the lead authority and a tender process was followed in accordance with their Contract Standing Orders (CSOs). Haringey's CSOs allow for the CSOs of another authority to be followed where the Council is contracting with a contractor as part of a group of public sector bodies (see CSO 7.01 (a)).
- 7.4 Cabinet has power to approve the recommendations under CSO 9.07.1 (d) (contracts valued at over £250,000).
- 7.5 The award of the contract is a Key Decision and as such needs to be included in the Council's Forward Plan in accordance with CSO 9.07.1 (e). The Directorate has confirmed that this has taken place.
- 7.6 The Head of Legal Services confirms that there are no legal reasons preventing Members from approving the recommendations.

8. Equalities and Community Cohesion Comments

- 8.1. Equalities principles were incorporated within the procurement process. Also the organisations equalities policy and procedures were evaluated at the PQQ stage.
- 8.2. Equalities monitoring are incorporated as a requirement of the contract and the contract also states that access to the service must be available to the diverse community of the borough and any imbalances must be addressed.



9. Head of Procurement Comments

- 9.1. This service is a Part B residual service and therefore it was not necessary to advertise this requirement in the Official Journal of the European Union (OJEU). This contract opportunity was published on CompeteFor, Delta portal, London tender portal and all 3 boroughs external website.
- 9.2. A tendering and evaluation process was followed in compliance with the Procurement Code of Practise. Evaluation of the tenders using the Most Economically Advantageous method included a weighting of 60% for Price and 40% for Quality. The process has ensured that Value For Money is achieved.
- 9.3. Contract management has been put in place with Key Performance Indicators to ensure contract compliance and to mitigate the risk of poor performance.

10. Policy Implication

- 10.1. These are statutory services which are linked to the Adult Service Business Plan and to the following Council Plan Priorities including A Safer Haringey, A Healthy, Caring Haringey and Delivering High Quality, Efficient Services.
- 10.2. The proposed contract award supports Haringey's policy objectives and fulfils Haringey's statutory responsibilities as set out in the Mental Capacity Act 2005 and the Health & Social Care Act 2012.

11. Reasons for Decision

- 11.1. The current contracts for services expire on 31st March 2014. It was therefore necessary to tender these services in order to set in place a new contract and avoid any break in services. To achieve value for money, the commissioning and procuring of these services has been carried out jointly across Enfield, Barnet and Haringey.
- 11.2. As a result of the procurement process, which has been carried out in line with the Council's Contract Standing Orders and the Procurement Code of Practice, it is necessary to award the contract to the successful tenderers in accordance with CSO 9.7.1(d).

12. Use of Appendices

- 12.1. Exempt information is set out in Appendix A.

13. Local Government (Access to Information) Act 1985

- 13.1. This report contains exempt and non exempt information. Exempt information is contained in Part B and is not for publication. The exempt information is under the following category: (identified in the amended schedule 12 A of the Local



Haringey Council

Government Act 1972 (3)) information in relation to financial or the business affairs of any particular person (including the authority holding that information.