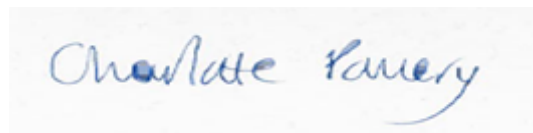


Report for: Cabinet, 13 February 2018

Title: **Award of Contract to provide Joint Advocacy Services for the London Boroughs of Barnet, Enfield and Haringey (Including Independent Mental Health Advocacy (IMHA); Independent Mental Capacity Advocacy (IMCA); Care Act Advocacy and Children's Advocacy)**

Report authorised by : Charlotte Pomery, Assistant Director Commissioning



Lead Officer: Sam Jacobson, Commissioning Manager

Ward(s) affected: All

**Report for Key/
Non Key Decision:** Key Decision

1. Describe the issue under consideration

- 1.1 This report seeks approval from Cabinet to award contracts for the provision of Joint Advocacy Services for the London Boroughs of Barnet, Enfield and Haringey in accordance with Contract Standing Order 9.07.1 (d).
- 1.2 The contracts will be awarded in 3 lots namely; LOT 1 – Independent Mental Health Advocacy (IMHA), LOT 2 – Independent Mental Capacity Advocacy / Deprivation of Liberty Safeguards and Care Act Advocacy (IMCA/DoLs/CA) and LOT 3 – Children's Advocacy.
- 1.3 The contracts shall run for a period of three (3) years with the option to extend for a further period of one year plus one year.

2. Cabinet Member Introduction

- 2.1 The Cabinet is asked to agree to approve the establishment of contracts in relation to the provision of statutory advocacy services for adults and children, for the boroughs of Haringey, Barnet and Enfield. These services support some of the most vulnerable people to be involved in key decisions about their care and support.

2.2 As cabinet member for Adult Social Care I support these recommendations for the award of contracts and arrangements for the joint commissioning of these sets of services which will support effective and efficient delivery of services to vulnerable adults and children.

3. **Recommendations**

3.1. That Cabinet approves the award of contracts in respect of the provision of Joint Advocacy Services for the London Boroughs of Barnet, Enfield and Haringey.

3.2. Subject to approval being granted the London Borough of Haringey will enter into contractual agreements jointly with the London Boroughs of Barnet and Enfield, and award contracts to the successful bidders named in Part B of this report.

4. **Reasons for decision**

4.1. The current contracts for IMHA / IMCA and Care Act and Children expire on 31st March 2018.

4.2. A full tender process has been carried out and the recommendation in paragraph 3 is made following the completion of evaluations by a joint team of Council officers from the London Boroughs of Barnet, Enfield and Haringey, as well as officers from Barnet, Enfield and Haringey Mental Health Trust in relation to the provision of IMHA services. Officers from across adults and children's social care were involved because the services being tendered for spanned across adults and children. The recommendation provides best value for the Council.

4.3. The lot structure was considered carefully to ensure Lot 1 was for the provision of IMHA services, Lot 2 for the provision of IMCA and Care Act Advocacy services and Lot 3 for Children's Advocacy services. Lot 2 includes two distinct statutory advocacy services for adults (IMCA and Care Act Advocacy) because there is a significant amount of overlap between the statutory requirements for IMCA and Care Act Advocacy. Combining the services together enables service users to be supported by the same advocate/service for IMCA and Care Act Advocacy should they need the input of both. This reduces the need for a person to repeat their story to different advocates and also allows for a more efficient service.

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. Local authorities have statutory obligations to make provision available for IMHA (Mental Health Act 2007), IMCA (Mental Capacity Act 2010), Care Act Advocacy (Care Act 2014) and Children's Advocacy (Children & Families Act 2014 – amongst other pieces of legislation).
- 6.2. The Council currently commissions IMCA and IMHA services with the London boroughs of Barnet and Enfield in a single contract. This service was originally commissioned from 1st April 2014 and is due to lapse on 31st March 2018. Care Act Advocacy and Children's Advocacy are separately commissioned by the Council within a contract established on 1st April 2017 and is also due to lapse on 31st March 2018.
- 6.3. The three-borough IMCA and IMHA arrangements allows Barnet, Enfield and Haringey to benefit from the economies of scale a shared contract brings. The arrangement is also beneficial as advocates currently deliver their service to clients residing across the three local authority areas.
- 6.4. All three boroughs have agreed that there is value in both re-commissioning IMCA and IMHA on a three-borough footprint, and also incorporating other statutory advocacy services into this arrangement. Barnet have decided not to incorporate their Care Act Advocacy and Children's Advocacy arrangements because they have contracts mid-term for these services; however Enfield agreed to re-commission their Care Act Advocacy and Children's advocacy arrangements with Haringey.
- 6.5. On 5th September 2017 the Council agreed via Lead Member Cabinet Member Signing for Haringey to lead on the procurement of these services on behalf of the three boroughs.

6.6. Procurement process

- 6.6.1 The services provided under this contract are considered to be Health and Social care services and are therefore subject to Light Touch Regime under the Public Contract Regulations 2015. An open tender process was carried out in accordance with the Council's Contract Standing Orders and procurement Code of Practice.
- 6.6.2 The procurement process was managed by Haringey Council supported by a team of representatives from commissioning and procurement within the London Boroughs of Barnet and Enfield.
- 6.6.3 A prior Information Notice was published in the Official Journal of the European Union (OJEU) on 31st August 2017 setting out the councils' intentions to procure the services within the next 12 months.

6.6.4 A market engagement event was held on 14th September 2017, to communicate commissioning intentions and offer potential suppliers the opportunity to raise any questions and present their views before proceeding to the next stage of the commissioning programme. Following the market engagement event, it was decided that an open tender process was the most efficient and cost effective way to approach the provider market.

The tender was advertised by publishing a contract notice in Official Journal of the European Union (OJEU) and on contract finder on 3rd November 2017. The Invitation to Tender (ITT) and supporting documents were uploaded on Delta (e-tendering portal) where following a registration process, the potential tenderers could access the tender documents and submit their tenders electronically

6.6.5 By the closing date of 7th December 2017, 20 organisations had accessed the documents and registered their interest on the Delta E-sourcing portal. A total of 11 tenders was received (4 tenders for Lots 1 and 2 respectively, and 3 tenders for Lot 3.

6.6.6 Tenders were evaluated on the basis of the Most Economically Advantageous Tender (MEAT) methodology with a split of 60% price and 40% quality. For quality evaluations, a 60% pass mark was set to ensure all bids considered met an acceptable quality standard. The evaluation criteria and weighting were set out within the invitation to tender documents and clarified.

6.6.7 Quality was evaluated with method statements covering the following areas:

- Delivery and implementation
- Staffing and training
- Practice
- Business continuity
- Outcomes monitoring
- Awareness raising and business engagement
- Social value

6.6.8 The tables below detail scores for the winning tenderers by Lot. Further information about the tender evaluation is contained in Part B (exempt part) of the report.

Lot 1 – IMHA services

Tenderer	Quality Scores (out of 400 points)	Price Scores (out of 600 points)	Total scores (out of 1000 points)	Rank
Successful Bidder	272	600	872	1

Bidder A	296	400	696	3
Bidder B	332	417	749	2
Bidder C	336	356	692	4

Lot 2 – IMCA / DoLS and Care Act Advocacy services

Tenderer	Quality Scores (out of 400 points)	Price Scores (out of 600 points)	Total scores (out of 1000 points)	Rank
Successful Bidder	280	600	880	1
Bidder A	268	391	659	4
Bidder B	328	415	743	3
Bidder C	360	461	821	2

Lot 3 – Childrens Advocacy services

Tenderer	Quality Scores (out of 400 points)	Price Scores (out of 600 points)	Total scores (out of 1000 points)	Rank
Successful Bidder	276	600	876	1
Bidder A	324	397	721	3
Bidder B	276	519	795	2

7. Transition arrangements and contract management

- 7.1. The contract is scheduled to start on 1st July 2018, 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 3 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 3 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 3 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. Part B sets out the indicative borough contributions for year 1 of the contract. In essence, contributions to each Lot will be based on a combination of 'core' costs shared equally between the 3 boroughs, and 'flex' costs which are based on proportionate usage. Each boroughs 'flex' contribution will be calculated for the year ahead based on the previous years outturns. The

table below sets out how these will be calculated and the ratios of 'core' and 'flex' contributions used:

Cost type	Lot 1	Lot 2	Lot 3
Core cost	100% - to be equally split across the 3 boroughs	60% - to be equally split across the 3 boroughs	60% - to be equally split across the 3 boroughs
Flex cost	0%	40% - to be divided between the boroughs based on proportionate use	40% - to be divided between the boroughs based on proportionate use

8. Contribution to strategic outcomes

- 8.1. The project is directly linked to the Corporate Plan, in particular Priority 1, 'Enable every child and young person to have the best start in life, with high quality education' and Priority 2 'Empower all adults to live healthy, long and fulfilling lives'.

9. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

9.1. Finance

- 9.1.1. Haringey's contribution to the core contract in year 1 is expected to be £132k and the costs will be met from £145k existing resources used to fund the previous contracts. This is made up of –

contract	2017/18 budget
IMHA/IMCA	£80,727
Care Act Advocacy	
Adults	£44,500
Childrens	£20,000
	£64,500
	£145,227

9.1.2. The cost of the core contract represents a saving of (£13k) on the previous total cost.

9.1.3. Advocacy services have shown increased demand in previous years and this cost has been met on a spot basis. In order to allow for further increases, the new contract is based on a level of demand which is 10% higher than current levels. The contract also allows for spot purchase of an additional 1,000 hours at a potential additional cost to Haringey of £33k. It is not anticipated that this additional demand will occur but if necessary, the extra cost will be funded from the (£13k) surplus on the core contract costs and existing resources within the Voluntary and Community Sector budgets.

9.2. Procurement

9.2.1. The total value of the contracts is above the threshold of £589,148.00 for application of Light touch regime as set out under Public Contract Regulations 2015 and was therefore advertised in the Official Journal of the European Union.

9.2.2. An open tender process was carried in accordance with Public Contract Regulations, the Council's Contract Standing orders and procurement Code of Practice.

9.2.3. The winning tenders are within budget and represent best value for the council within the current market. The procurement process is expected to result in cost savings between £37,000 and £100,000 depending on demand against the estimated budget of £460,000 per annum across the three boroughs.

9.2.4. Potential risks to the contracts and mitigations have been identified. The hourly rates submitted are inclusive of direct and indirect costs of providing the service and are fixed for the duration of the contract. Strong contract management has been incorporated as part of the contract. Key performance indicators will be in place and monitored during quarterly review meetings to ensure the quality of services meets needs and required standards.

9.3. Legal

9.4.1 The Assistant Director of Corporate Governance notes the contents of the report.

9.4.2 The value of the contract being above the then EU threshold of £589,148 for contracts of this nature, the successful tenderers in this report were selected through a procurement exercise conducted in accordance with the provisions of Regulations 74 – 76 of the Public Contracts Regulations 2015.

9.4.3 Pursuant to the provisions of CSO 9.07.1(d), Cabinet has power to approve the award of contracts valued at £500,000 or more.

9.4.4 The Assistant Director of Corporate Governance sees no legal reasons preventing Cabinet from approving 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:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share those protected characteristics and people who do not
- 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.

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 people with disabilities, 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 B successful bidders [Exempt -**Schedule 12A to the 1972 Act**
Paragraph 3 -Information relating to the financial or business affairs of any particular person (including the authority holding that information).

11. Local Government (Access to Information) Act 1985

11.1. Not Applicable