

CABINET	AGENDA ITEM No. 7
13 NOVEMBER 2023	PUBLIC REPORT

Report of:	Stephen Taylor Executive Director of Adult Social Care & Commissioning	
Cabinet Member(s) responsible:	Councillor Saqib Farooq Cabinet Member for Adults and Health	
Contact Officer(s):	Ruth Miller, Senior Commissioning Manager Micheil Wilson, Commissioning Manager	Tel: 07484 520821

CONTRACT AWARD FOR THE PETERBOROUGH ADULT ADVOCACY SERVICES
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RECOMMENDATIONS	
FROM: <i>Stephen Taylor, Executive Director Adults Services and Commissioning</i>	Deadline date: <i>13 November 2023</i>
<p>It is recommended that Cabinet:</p> <p>1. Award a contract for the Peterborough Adult Advocacy Services to POhWER, (registered company 03323040) following a successful procurement for a period of 3 years with the option to extend for a period of 1 year, from 5 February 2024 for a value of £897,966.12 (Contract year 1 value £242,880.78 and contract year 2, 3 and 4 value £218,361.78 per annum).</p> <p>2. Authorise Peterborough City Council to enter into a Section 256 Agreement with the Cambridgeshire and Peterborough Integrated Care Board for a contribution to costs associated with Peterborough City Council providing Adult Advocacy Services within Peterborough for a period of 3 years with the option to extend for a period of 1 year, from 5 February 2024 for a value of £153,980.57 (Contract year 1 value £41,649.79 and contract year 2, 3 and 4 value £37,443.59 per annum).</p>	

1. ORIGIN OF REPORT

1.1 This report is submitted to Cabinet following a competitive tender process.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of the report is to **(1)** approve the award of a contract and **(2)** enter into a section 256 with the Integrated Care Board to partially fund the council's Adult Advocacy Services.

2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.5:

To make decisions on actions relating to the awarding, assigning and termination of contracts over £500k, and waiving or granting exemptions to Contract Regulations where contracts are

over £500k, with the exception any time-critical, operational, or routine decision, which may be determined by the relevant portfolio holder.

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	No	If yes, date for Cabinet meeting	
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4. BACKGROUND AND KEY ISSUES

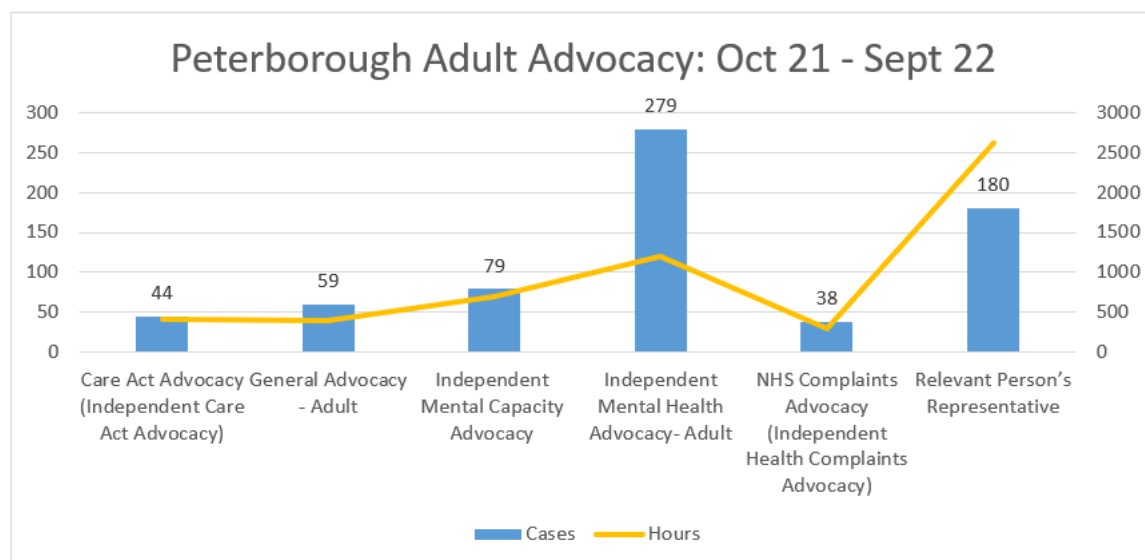
4.1 Advocacy Services are part of the Local Authorities statutory duties, covered by several legislative acts. This service meets these obligations through the provision of advocates to support our residents. Peterborough City Council (PCC) contracts with a third party, with the Integrated Care Board (ICB) also contributing funding to the service under section 256 National Health Service Act 2006.

PCC currently contracts an external All-Age Advocacy service. This contract expires 4 February 2024. The All-Age Advocacy service includes:

- Care Act Advocacy, including specialism in physical disability; specialism in learning difficulties; specialism in mental health and individuals under a Community Treatment Order (CTO)
- Independent Mental Health Advocacy (IMHA)
- Independent Mental Capacity Advocacy (IMCA)
- Independent Health Complaints Advocacy (IHCA)
- Advocacy Support for Children and Young People

Current Service delivery

4.2 The table below shows the number of adults supported, by type of advocacy, with the hours of advocacy received. This is data that the specification and subsequent bids are based on.



Feedback from customers demonstrates there is clarity on service offer and how to access the service. Customers highlighted at face-to-face sessions with commissioners some of the direct benefits of the service, for example, if they did not have an advocate supporting them through benefit renewals, they would not have been able to successfully secure their social security benefits.

The advocacy advocates provide a mobile service by way of home and community visits making them accessible. They also provide varied ways of communication such as telephone and video calling, electronic means such as email and social media and thus there is no anticipation for any geographical constraints in accessing the service.

Points for consideration

- 4.3 The current contractor has separate contracts with PCC and CCC to deliver Adults and Childrens Advocacy (All Aged Advocacy) across Peterborough and Cambridgeshire respectively. The contractor sub-contracts the Children's element and support for the deaf community.

The increasing population of Peterborough (an increase of 17.4% in the 2021 Census compared to 2011) results in the number of residents requiring advocacy support increasing.

Soft market testing identified that Adult Advocacy is a specialised service with a limited provider market. The soft market testing resulted in 6 provider responses, 2 of whom have set out they would be unlikely to deliver the complete range of Adult Advocacy Support the Council requires and would be more suited to offering specialist support through a sub-contract arrangement.

During the life of the newly procured contract, the Council has identified the requirement for a clear process to support spot-purchase arrangements out of area, which has been incorporated within the new specification. The specification has been reviewed to ensure it meets all statutory requirements, for example, Liberty Protection Safeguards.

Procurement Approach

Members should note the Care Act (2014) states that Advocacy Services must be independent of the Local Authority.

- 4.4 The Council considered combining Peterborough and Cambridgeshire's Adult Advocacy within a single contract, or to combine Peterborough's Adult Advocacy with the Children and Young People Advocacy into an All Age Advocacy provision. After consideration, these were rejected at Joint Commissioning Board in favour of a separate contract for Peterborough's Adult Advocacy on the grounds that this allows the service to be more focused on one specific set of needs, allowing the creation of a more bespoke service which remains large enough to deliver an efficient and effective Advocacy Service.

Due to the complexities and to attract the standard of bid the Council requires; the decision was taken to combine PCC and CCC Children and Young Peoples Advocacy Service into a single and separate service to Adult Advocacy, hence Children and Young People Advocacy was procured as its own separate contract; with CCC being the lead authority for provision of service across Peterborough and Cambridgeshire. This decision reflects the provider market, allowing providers to run a cost-efficient service across two Local Authorities. PCC has delegated the function of Children and Young People Advocacy to CCC, which has sought authorisation within CMDN KEY/24APR23/02 and CCC shall contract with the third party for provision of Children and Young Peoples Advocacy Service across Peterborough and Cambridgeshire.

The Procurement Process

4.5 The procurement was a collaborative process, with CCC leading the procurement of Advocacy Services under the open procedure in accordance with Regulation 27 of the Public Contracts Regulations 2015, with input from PCC. The procurement was advertised on 20 June 2023 with an Invitation to Tender which closed on 8 September 2023. The procurement comprised of the following elements:

A Selection Questionnaire including:

- Financial Standing
- UK General Data Protection Regulation (UKGDPR)
- Modern Slavery
- Insurances
- Safeguarding

All bidder's that met the selection criteria within the Selection Questionnaire proceeded to the tender evaluation stage, which incorporated;

A Quality Element (70%) – a weighting was given to each question and the questions (method statements) that were asked within the quality element related to areas including service and service user outcomes, demand management, service structure and delivery, publicity strategies.

Price (30%) - bidders were required to complete and submit a Price Schedule. The bidder with the lowest overall compliant price was awarded the full score of 30%. All other price submissions were scored in accordance with formula set out within the invitation to tender.

The scores from quality and price were added together and the bidder with the highest overall score was awarded the contract.

7 bids were received for the Peterborough Adults Advocacy Service and 4 of those bids passed the Selection Questionnaire stage. The 3 bids that failed the selection stage were eliminated due to their lack of experience provided specifically in Advocacy and, the lack of clarification to explain why despite this lack of experience, they could deliver this service. The 4 remaining bids were then subject to evaluation by the evaluators from 9 September 2023 to 6 October 2023 and a moderation of these evaluations took place on 11 October 2023. Following moderation, bidders were ranked according to total score and the bidder POhWER gained the highest overall score and ranked first place. This was decided upon from a 70%/30% split. 70% quality and 30% price:

Supplier Name	Quality (70%)	Price (30%)	Total %
POhWER	55.65	30.00	85.65
Supplier B	42.70	26.98	69.68
Supplier C	44.45	17.36	61.81
Supplier D	40.6	22.04	62.64

The total contract value for the PCC's Adult Advocacy Service over the maximum 4-year contract period is £897,966.12. With the ICB contributing £153,980.57 over the span of the 4-year contract by way of s256 agreement.

5. CORPORATE PRIORITIES

5.1

1. *The Economy & Inclusive Growth*

- Following completion of the Carbon Impact Assessment, there have been no specific implications identified as this service will not see any significant changes to the way Advocacy services are provided in Peterborough.
- Social Value will be measured as part of the contract monitoring, with a local workforce being a priority, ensuring that where possible jobs associated with the Advocacy service are created and maintained within Peterborough.

2. *Our Places & Communities*

- Advocates will help support residents to express their views and access available services that impact on their health and wellbeing, lives, and work in the right place at the right time. This will lead to more adults living independently for longer and higher take up rates for NHS Health checks.

3. *Prevention, Independence & Resilience*

- An advocacy service will support Young People into further/higher education which is appropriate for them.
- Adults will be supported to express their views, enabling them to engage in support enabling them to live independently for longer.
- Children will be supported to express their views to enable them to engage with services, which in turn will lead to higher attainment in education.

4. *Sustainable Future City Council*

- The Advocacy Service will be subject to quarterly contract monitoring which will include Open Book Accounting to enable Council officers to review the provider spend throughout the contract. The contract monitoring will include outcome-based targets, including for Social Value, enabling Council officers to monitor performance against the Council priorities and outcomes.

Further information on the Council's Priorities can be found here - [Link to Corporate Strategy and Priorities Webpage](#)

6. CONSULTATION

6.1 The recommissioning of the Peterborough Adults Advocacy Service has offered the opportunity for market engagement to seek the views of a wide range of stakeholders, such as colleagues from Adult Social Care, Service User Participation group for LD (Learning Disability) and Autism, Sensory Impairment groups and advocacy providers. Commissioners have contacted other local authorities to benchmark and compare services, budgets, and service delivery models. Adults and Young People have been consulted on their experiences too. All of this is contributing to the development of intended outcomes and the service specifications for this service.

6.2 Further engagement and monitoring will be undertaken to evaluate the service as it progresses over the contract duration

6.3 *Has this recommendation been considered by the below? If not, please provide reasoning.*

- *Corporate Leadership Team (CLT) - 24/10/2023*
- *Cabinet Policy Forum (CPF) - 30/10/2023*

7. ANTICIPATED OUTCOMES OR IMPACT

7.1 The successful contractor shall deliver PCC's Adult Advocacy Service, meeting the Council's statutory duties through the provision of advocates to support Peterborough's residents with effect from 5 February 2024 for a total contract period of three years, plus one year extension.

8. REASON FOR THE RECOMMENDATION

- 8.1 Award of the contract to the successful bidder POhWER will ensure Peterborough residents continue to be supported by an Advocacy Service and be independently represented where necessary without a gap in service.

The procurement process was compliant with procurement legislation in order to procure a new contract to replace that expiring on 4 February 2024. The new contract has been procured competitively in accordance with the Public Contracts Regulations 2015, demonstrating best value and required quality.

9. ALTERNATIVE OPTIONS CONSIDERED

- 9.1 Continue with current contractual arrangements without open tender - Would be a breach of Public Contract Regulations 2015 and would not explore competitive procurement and bring in improvements to service delivery or value for money.

Terminate provision – Peterborough residents would lose access to statutory advocacy. This would be in direct violation of the acts listed in section 10.2

10. IMPLICATIONS

Financial Implications

- 10.1 The total contract value for the POhWER Adult Advocacy Service over the maximum 4 years is £897,966.12. With the ICB contributing £153,980.57 over the span of the 4-year contract. The table below shows the amounts per annum.

	Year 1	Year 2	Year 3	Optional Year 4
Bid Price	£242,880.78	£218,361.78	£218,361.78	£218,361.78
ASC Budget	£201,230.99	£180,918.19	£180,918.19	£180,918.19
ICB Budget	£41,649.79	£37,443.59	£37,443.59	£37,443.59

Legal Implications

- 10.2 The service forms part of the statutory responsibilities of the Local Authority under the following acts:

The Equality Act 2010 outlines the requirements of advocates to not discriminate against people and applies to all instances where an advocate supports an individual(s). This outlines the requirements of advocates to not discriminate against people and applies to all instances where an advocate supports an individual(s).

The Care Act 2014 says Local Authorities must: include people in the decisions that are made about them and their care and support. Local Authorities must help people to express their wishes and feelings and support people to make choices and help them to make their own decisions. The Care act also says: independent advocacy is about giving the person as much control as possible over their life. It helps them understand information, say what they want and what they need.

Advocacy should be considered from the first point of contact, request, or referral and at any subsequent stage of the care and support process. The right to an advocate applies in all settings regardless of whether the person lives in the community or a care home and includes prisons.

Mental Health Act 1983: Independent Mental Health Advocate. People detained in hospital under the Mental Health Act 1983, or who are subject to a Community Treatment Order, can

ask for an IMHA. An IMHA is trained to support people in understanding their rights under the mental health act and participate in decisions about their care and treatment.

Mental Capacity Act 2005: Independent Mental Capacity Advocacy and Deprivation of Liberty Safeguard (DoLS). The Mental Capacity Act 2005 introduced the role of the IMCA as a legal safeguard for people who lack capacity to make specific important decisions, including about where they live and medical treatment options.

A DoLS IMCA is a specialist advocate working with people from all vulnerable backgrounds with all nature of impairments that can leave someone lacking capacity. They only deal with issues relating to DoLS applications. They are independent of the Safeguarding Board and safeguard the rights of people who lack capacity.

Health and Social Care Act 2012: Independent Health Complaints Advocacy IHCA is a free and independent advocacy service that helps people make a complaint about any aspect of their NHS care or treatment. This includes treatment in a private hospital or care home that is funded by the NHS.

10.3

The procurement has been conducted in accordance with the Public Contracts Regulations 2015.

Equalities Implications

10.4

Service users with protected characteristics who are accessing support via the care act the impact for the affected persons will be positive as the advocacy service will enable people who access the service to have their voices heard and their legal rights represented. It helps people with protected characteristics access services that they may have ordinarily had difficulty accessing. For example: asylum seekers may have barriers to accessing services due to language barriers, prejudices, and social isolation. The Advocacy service breaks down these barriers which in turn provides better outcomes for our population. Another example of positive outcomes for those with protected characteristics are for those from the deaf community who can access the advocacy service to be provided with support having their views heard, express their own wishes. If this service were not recommissioned this would be detrimental to service users and the wider community, concerns to deprivation of liberty and we will be failing in our statutory due if we do not provide the service.

11. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

11.1

There are none.

12. PROCUREMENT DN NUMBER

12.1

DN626459

13. APPENDICES

13.1

There are none.

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