

Decision Pathway Report



PURPOSE: Key decision

MEETING: Cabinet

DATE: 05 March 2019

TITLE	Adult Social Care - Re-commissioning Advocacy Services		
Ward(s)	All		
Author: Russell Henderson	Job title: Commissioning Manager		
Cabinet lead: Cllr Helen Holland	Executive Director lead: Jacqui Jensen		
Proposal origin: <i>BCC Staff</i>			
Decision maker: Cabinet Member			
Decision forum: <i>Cabinet</i>			
Purpose of Report:			
<ol style="list-style-type: none"> 1. The Council proposes to re-commission Advocacy services for adults fulfilling BCC's statutory duties under legislation. 2. This re-commissioning of advocacy services is a joint commissioning project between the Council and the Clinical Commissioning Group (CCG), with the Council as the lead commissioner. The aligned funding agreement with the CCG will be reviewed after 2 years across Bristol, North Somerset and South Gloucestershire. 3. This re-commissioning of advocacy services incorporates NHS and Social Care complaints advocacy which traditionally has been commissioned by Public Health. 4. Adult Social Care Advocacy services to be re-commissioned : <ol style="list-style-type: none"> 1) Independent Mental Health Advocacy (IMHA) 2) Independent Mental Capacity Advocacy (IMCA) 3) Independent Care Act Advocacy (ICAA) 4) Care Management Advocacy 5) BME Advocacy 6) Community Outreach Advocacy 7) Inpatient Advocacy 8) NHS and Social Care Complaints Procedure Advocacy <p>Total contract value (2years plus potential contract extensions of +1, +2 years) = £2,648,440m</p>			
Evidence Base:			
<ol style="list-style-type: none"> 1. An analysis of Advocacy and related services has taken place. See Appendix B. 2. There have been significant changes over the past years that have impacted on these services: <ol style="list-style-type: none"> a. The increase in use of services as a result of changes in DOLS safeguarding legislation b. Additional statutory requirements introduced in the Care Act 2014 c. A steep rise in the number of health and care complaints reaching the Ombudsman during recent years – individual errors are increasingly compounded by system errors. 3. In deciding on commissioning strategy, consideration has been given to the Voluntary and Community Sector 			

(VCS) and Small and Medium size Enterprises (SMEs). The procurement approach will not preclude a single provider bidding (and being successful) for all lots. There has been a trend nationally to award a single contract that has encompassed statutory and non-statutory services. Initial analysis has shown that this approach has:

- a. Not realised the expected efficiencies of scale nor avoided the need to spot-purchase outside the main contract.
- b. Depleted the number of VCS/SME advocacy providers who have provided distinct specialisms in advocacy services.
- c. Placed a bigger risk to the Council in the event of provider failure.
- d. Reduced competition in the market.

Current supply of Advocacy services

4. Bristol has a thriving, skilled Advocacy workforce delivered by Voluntary Community Sector (VCS) services and Small and Medium size Enterprises (SME). All Advocacy contracts in scope have been reviewed. The findings of the review are that commissioned services are of good quality and have innovated and formed effective inter-agency pathways to avoid duplication. Current services engage well with communities who find it hard to access council services.
5. The Council currently fulfils its statutory duties to provide advocacy for Adults. Statutory contracts have met increasing demand within a budget that has remained static or reduced with the exception of Care Act Advocacy and IMCA (DoLS) Advocacy. These have experienced demand that exceeds current block volumes. This is a national trend.

Co-production with Providers and Service Users on proposals

6. Engagement has taken place with service users and providers about current services and the future of advocacy services. See Consultation Report – Appendix B.
7. A 12 week consultation has taken place to capture views of people with lived experience of these services, referrers and professional stakeholders. Views were gathered through workshops, individual provider review meetings, electronic surveys and 1-1 interviews (refer to Appendix B). This has informed commissioning intentions by shaping the specification of what will now be commissioned from advocacy providers.

Cabinet Member / Officer Recommendations:

That Cabinet

- 1) Approve the re-commissioning of adult social care advocacy services through a BCC procurement process for the period 1/10/19 to 31/09/24, to include authorisation for existing contracts to continue from the period 1/4/19 to 31/12/19 to enable the re-commissioning process to be undertaken.
- 2) To Authorise the Executive Director Adults Children and Education in consultation with the Cabinet Member for Adult Social Care to take all necessary steps to procure the advocacy services and award the contracts.

Corporate Strategy alignment:

There are clear local strategic drivers and values that underpin the re-commissioning of these services. They are:

1. The BCC Market Position Statement for Adult Social Care: The MPS outlines the strategic vision for meeting the demand for care and support in Bristol, acting as a steer for discussions between BCC and service/ support providers, in particular voluntary and community sector organisations, small and medium sized enterprises (SMEs), and entrepreneurs.
2. BCC Corporate Strategy 2018-23

- a. Empowering and Caring: Work with partners to empower communities and individuals, increase Independence and support those who need it.
 - b. Fair and Inclusive: Improve economic and social equity, pursuing economic growth which includes everyone.
 - c. Well Connected: Take bold and innovative steps to make Bristol a joined up city, linking up people with jobs and with each other.
 - d. Wellbeing: Create healthier and more resilient communities where life expectancy is not determined by wealth or background
3. Mayor's Vision: To ensure life chances and health are not determined by wealth and background
 4. Better Lives programme: Maintain quality services with people at the heart of what we do and make cost savings whilst holding our ambition to improve outcomes
 5. Adults Social Care Strategic Plan 2016-2020: People can get the right help at the right time to promote independence and to prevent, reduce or delay the need for long-term support

City Benefits:

1. This proposal ensures the continued provision of high quality services for which the Council has a statutory responsibility to provide, with a systems based approach which will provide best value for the tax-payer and the best service for those individuals requiring Advocacy. We have noted during discussions the fundamental value provided by individual advocates and the positive contribution made towards the Safeguarding of vulnerable people.

Consultation Details:

1. These proposals have been developed with providers and key stakeholders within the Adults Social Care and Education. (see Appendix B.)

Revenue Cost	£ Bristol procurement: £ 529,668 per annum (includes £155,878 aligned funding from the CCG)	Source of Revenue Funding	Adult Social Care, General fund
Capital Cost	£0	Source of Capital Funding	N/A
One off cost <input type="checkbox"/> Ongoing cost <input checked="" type="checkbox"/>		Saving Proposal <input type="checkbox"/> Income generation proposal <input type="checkbox"/>	

Required information to be completed by Financial/Legal/ICT/ HR partners:

1. Finance Advice: The cost of the re-commissioned services will be contained within budget resources available as set out in this report. Monitoring of performance of the new commissioned service will be critical in ensuring that outcomes for service users are maximised.

Finance Business Partner: Neil Sinclair, Interim Finance Business Partner, Adults, Children and Education 06/02/2019

2. Legal Advice:

The procurement of the new contracts must comply with the Public Contracts Regulations 2015 and the Council's own procurement rules. (It is recognised however that in this case the contracts may fall within the "light touch regime" under the Regulations). Contract extensions to existing contracts will be required until the re-commissioning has concluded.

Consultation has taken place in relation to the decision to be taken. Cabinet should be satisfied that a proper consultation exercise has taken place in that (i) proposals were consulted on are at a formative stage (ii) sufficient reasons have been given for the proposals and (iii) adequate time has been allowed for consideration and response. The responses to the consultation must be taken into account by Cabinet when reaching its decision. Appendix B of the report clearly sets out the process that was undertaken and how responses have been taken in to consideration by officers when developing their proposals.

Cabinet must also have regard to the Public Sector Equality Duty which requires the decision maker to consider the need to promote equality for persons with “protected characteristics” and to have due regard to the need to i) eliminate discrimination, harassment, and victimisation; ii) advance equality of opportunity; and iii) foster good relations between persons who share a relevant protected characteristic and those who do not share it.

The Equalities Impact Check/Assessment is designed to assist with compliance with this duty. The decision maker must take into consideration the information in the check/assessment alongside the general public sector equality duty when taking the decision.

Legal Team Leader: Eric Andrews, Team Leader, Legal Services February 6th 2019.

3. Implications on IT: There are no obvious or immediately identifiable IT implications in this initiative. Some may manifest themselves following the commissioning process and, in that event, IT Services will need to be engaged via Change Services, in a timely manner, as part of the on-boarding/implementation process.

IT Team Leader: Ian Gale, Head of IT 06.02.2019

4. HR Advice: There are no HR implications resulting from this proposal as it is a re-commissioning request only.

HR Partner: Lorna Laing, People & Culture HR Business Partner, Adults, Children & Education 07.02.2019

Background Documents:

EDM Sign-off	Terry Dafter	11/02/2019
Cabinet Member sign-off	Cllr Helen Holland	11/02/2019
For Key Decisions - Mayor’s Office sign-off	Mayor’s Office	04/02/2019

Appendix A – Further essential background / detail on the proposal	YES
Appendix B – Details of consultation carried out - internal and external	YES
Appendix C – Summary of any engagement with scrutiny	NO
Appendix D – Risk assessment	NO
Appendix E – Equalities screening / impact assessment of proposal	YES
Appendix F – Eco-impact screening/ impact assessment of proposal	NO
Appendix G – Financial Advice	NO
Appendix H – Legal Advice	NO
Appendix I – Exempt Information	NO
Appendix J – HR advice	NO
Appendix K – ICT	NO