

# Decision Pathway – Report Template



**PURPOSE:** Key decision

**MEETING:** Cabinet

**DATE:** 03 December 2019

<b>TITLE</b>	Adult Social Care - Re-commissioning of Advocacy Services contracts		
<b>Ward(s)</b>	All		
<b>Author:</b> Lucia Dorrington	<b>Job title:</b> Strategic Commissioning Manager, Adult Social Care		
<b>Cabinet lead:</b> Cllr Helen Holland	<b>Executive Director lead:</b> Jacqui Jensen		
<b>Proposal origin:</b> Councillor			
<b>Decision maker:</b> Cabinet Member <b>Decision forum:</b> Cabinet			
<b>Purpose of Report:</b>  Firstly, to seek approval for the strategic re-commissioning of Adult Social Care Advocacy Services (Lot 2) to align with a locality based approach to Adult Social Care.  This replaces the commissioning model and route to market previously approved by Cabinet in March 2019 where the services listed below consisted of Lot 2 of Advocacy re-commissioning.  <ol style="list-style-type: none"><li>1. Independent Mental Capacity Advocacy Deprivation of Liberty Safeguards (IMCA DoLS) From October 2020 this will be Liberty Protection Safeguards (LPS)</li><li>2. Independent Mental Capacity Advocacy (IMCA)</li><li>3. Independent Mental Health Advocacy (IMHA)</li><li>4. BME Advocacy</li><li>5. In-patient Advocacy</li><li>6. Community Outreach Advocacy</li><li>7. Citizen Advocacy (formerly Care Management Advocacy)</li></ol> Secondly, to request of Cabinet a further extension to the existing contracts for these Adult Social Care Advocacy services from 1 January 2020 to 31 December 2020 to enable this strategic re-commissioning to take place.			
<b>Evidence Base:</b>  At its March 2019 meeting, Cabinet approved the re-commissioning of Adult Social Care Advocacy Services for the period 1/10/19 to 31/09/24 and authorised existing contracts to continue from 1/4/19 to 31/12/19 to enable a re-commissioning process to be undertaken across three Lots (Lots 1, 2 and 3). Cabinet authorised the Executive Director, People Directorate, in consultation with the Cabinet Member for Adult Social Care, to take all necessary steps to commission these advocacy services.  The Council is moving towards commissioning its services on a more devolved locality basis. This means that BCC will be focusing the approach towards localised models of provision where organisations can demonstrate high social value and a significant community presence. The Directorate is particularly interested in new models of provision with a high user focus and where use of local assets is integral to the offer, and where there may be different provision for each locality specifically focused upon the needs of that community.			

BCC therefore now wants to align the list of advocacy services listed above to this approach.

The Service Director for Adult Social Care made the decision not to award a Contract for IMCA DoLS, IMCA, IMHA, BME Advocacy, In-patient Advocacy, Outreach Advocacy and Citizen Advocacy (Lot 2) in September 2019 in order for these services to be re-commissioned alongside emerging locality principles.

BCC now seeks to extend existing services in order to allow the completion of the Lot 2 strategic re-commissioning process on the basis of the new locality model. The estimated cost of extensions 1 January 2020 to 31 December 2020 is £358,677. Estimated cumulative cost of extensions from 1 April 2019 to 31 December 2020 is £627,684.

The value of the re-commissioning exercise for Lot 2 will be higher than this. This will be determined through the strategic re-commissioning exercise. In developing this, there will be engagement with the market and other stakeholders such as the BNSSG CCG (Clinical Commissioning Group) to develop a model that aligns with strengths based, locality and community based approaches to social care, and includes the perspectives of people with lived experience, and the role of specialist expertise.

**Cabinet Member / Officer Recommendations:**

That Cabinet:

1. Approves the strategic re-commissioning of Lot 2 Adult Social Care Services under a locality based model.
2. Authorises the Executive Director People in consultation with the Cabinet Member for Adult Social Care to take all steps necessary to extend the existing contracts for Lot 2 Adult Social Care Advocacy Services for the period 1/01/20 to 31/12/20 at a cost of £358,677.

**Corporate Strategy alignment:**

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

1. The BCC Market Position Statement for Adult Social Care: The MPS sets the context for adult social care services in Bristol and outlines strategic commissioning intentions. The current MPS is due for review in light of the focus on locality working. The MPS 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. 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
4. 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:**

This proposal ensures the continued provision of advocacy services, some of which the Council has a statutory responsibility to provide.

**Consultation Details:**

Consultation has not yet been undertaken for the re-commissioning of Lot 2 under the new locality model. This will commence in the next two months with the service redesign.

**Background Documents:** Information about the re-commissioning and review of Advocacy and HealthWatch services <https://www.bristol.gov.uk/tenders-contracts/advocacy-and-healthwatch-recommissioning>

<b>Revenue Cost Contract cost per annum</b>	£358,677 per annum	<b>Source of Revenue Funding</b>	Adult Social Care, General Fund
<b>Capital Cost</b>	£0	<b>Source of Capital Funding</b>	N/A
<b>One off cost</b> <input checked="" type="checkbox"/>	<b>Ongoing cost</b> <input type="checkbox"/>	<b>Saving Proposal</b> <input type="checkbox"/>	<b>Income generation proposal</b> <input type="checkbox"/>

**Required information to be completed by Financial/Legal/ICT/ HR partners:****1. Finance Advice:**

The annual costs of the contracts that are proposed to be extended and those that will form the basis of future re-commissioning will be contained within existing budget provision. Monitoring of in year expenditure will ensure that expenditure is contained within funding available.

Finance Business Partner: Neil Sinclair, 24<sup>th</sup> October 2019

**2. Legal Advice:**

The procurement of the new contracts must comply with the Public Contracts Regulations 2015 (or there equivalent) 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. Legal services will advise and assist officers with regard to the conduct of the procurement process and the resulting contractual arrangements.

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, October 3<sup>rd</sup> 2019.

**3. Implications on IT:** No immediate concerns in regards to IT Services, however consideration will need to be made if there are any plans to share systems or data in relation to the delivery of this service.

**IT Team Leader:** Simon Oliver, October 4<sup>th</sup> 2019

**4. HR Advice:** This is a commissioned service. There are no implications for BCC staff arising from the proposal. However, there will be implications for the commissioned provider workforce if the contract extension is not approved or the provider changes as result of the re-commissioning.

<b>HR Partner:</b> Mark Williams, HR Manager, October 3 <sup>rd</sup> 2019.		
<b>EDM Sign-off</b>	Jacqui Jensen	23 <sup>rd</sup> October 2019
<b>Cabinet Member sign-off</b>	Cllr Helen Holland	28 <sup>th</sup> October 2019
<b>For Key Decisions - Mayor's Office sign-off</b>	Mayor's Office	4 <sup>th</sup> November 2019

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