

CONTRACT EXEMPTION FOR THE PROVISION OF ADVOCACY SERVICES AND SERVICES THAT PROMOTE INDEPENDENCE AND WELLBEING FOR OLDER PEOPLE

To: **Adults Committee**

Meeting Date: **1st September 2015**

From: **Adrian Loades, Executive Director: Children, Families and Adults Services**

Electoral division(s): **All**

Forward Plan ref: **2015/041** *Key decision:* **Yes**

Purpose: **To propose to extend the Age UK contract “Services which promote independence and wellbeing for older people in Cambridgeshire” for 13 months until 31st December 2016. This is to allow time for the advocacy project to take forward the re-commissioning of all advocacy services across Cambridgeshire and to develop a single integrated advocacy contract.**

Recommendation: **To approve a contract exemption with respect to Age UK’s existing contract to deliver services which promote independence and wellbeing for older people in Cambridgeshire for 13 months from 30th November 2015 to 31st December 2016.**

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1.0 BACKGROUND

- 1.1 The Care Act 2014 establishes a duty on local authorities to provide an independent advocate where a person approaches the Local Authority for assistance and has substantial difficulty in being involved in the decision-making process about their care and support, and has no one to support them in this process. The independent advocate's role is to support the person's involvement as fully as possible. The aim is for people's views and aspirations to be at the heart of the assessment, care planning and review processes. This duty also applies in situations where the person is involved in the safeguarding process.
- 1.2 Cambridgeshire County Council (CCC) is taking the implementation of the Care Act 2014 as an opportunity to commission a new integrated single advocacy service delivered through a single contract across Cambridgeshire. An advocacy project has therefore been established to take this forward.
- 1.3 Currently, the Council has seven individual advocacy contracts with various providers. These are:
- (i) Independent NHS Complaints Advocacy (delivered by POhWER)
 - (ii) Independent Mental Health Advocacy (IMHA) (delivered by Cambridgeshire Independent Advocacy Services)
 - (iii) Independent Mental Capacity Advocacy (IMCA) (delivered by VoiceAbility)
 - (iv) Community advocacy (for disabled adults of working age) (delivered by VoiceAbility)
 - (v) Community advocacy for older people (delivered by Age UK Cambridgeshire)
 - (vi) Advocacy service for Looked After Children and Children in Need and an Independent Visitor Service (delivered by National Youth Advocacy Service)
 - (vii) Advocacy for the profoundly deaf (delivered by Cambridgeshire Deaf Association)
- 1.4 Contract (v) in the list above is the Age UK contract and provides community advocacy for older people. Advocacy is one of a number of services delivered via this contract.

2.0 MAIN ISSUES

- 2.0.1 The approval of the Adults Committee to extend the Age UK contract "Services which promote independence and wellbeing for older people in Cambridgeshire" for 13 months until 31st December 2016 is being sought. This extension will provide the time required for the tender process to take place for the re-commissioning of advocacy services across Cambridgeshire.

2.1 The Current Contract and Reasons for the Exemption

- 2.1.1 The Age UK contract has an end date of 30th November 2015. An exemption is required for 13 months whilst the new service

specification is developed with the involvement of service users and carers and a provider for the new advocacy service is procured.

- 2.1.2 The total value of the Age UK contract is £450,352. Of this, £154,494 is funded by UnitingCare (UC) and £295,858 is funded by the Council. Advocacy is one of the services delivered under this contract and sits within the information, advice and advocacy service. The funding allocation for advocacy is £145,869.
- 2.1.3 The contract delivers a range of services and support that enable older people in Cambridgeshire to continue to live independently in their own homes. These include day services, warden schemes, a volunteer visiting service, healthy homes service, as well as the information, advice and advocacy service.
- 2.1.4 UC took on responsibility for the NHS part of the funding for this contract on 1 April 2015 when the NHS contract for Older People and Community (OPAC) started. UC are involved in the development of the service specification and discussions have begun to determine how UC and CCC investments in the rest of the Age UK contract should be used in the future, the types of services required and the procurement arrangements to secure those services.

2.2 Performance of the current contract

- 2.2.1 Age UK submits quarterly monitoring reports for all areas of the contract. In addition, six monthly contract review meetings are held. The most recent of these was in April 2015. Age UK is meeting the requirements set out in its contract and there are no performance concerns.
- 2.2.2 Services delivered via the Age UK contract are:
- Healthy Homes Service
 - Information and Advice Service including Advocacy
 - Volunteer Visiting Service
 - Community Warden Schemes
 - Day Services
- 2.2.3 The Healthy Homes service is in the process of being tendered as part of the countywide Handypersons Service. Once the tender process is complete, the service will no longer sit within the body of this contract.
- 2.2.4 Referrals to the advocacy service and to the information and advice service operated by Age UK have increased significantly in the last quarter. Referrals are exceeding the numbers stated in the contract. Advocacy will be tendered separately, and it is anticipated that the advice and information service will be tendered together with the visiting scheme, the Court of Protection work and the influencing and enabling work.
- 2.2.5 The visiting scheme has had an increase in referrals and in the number of volunteers recruited and matched to clients. The scheme is currently exceeding its targets.

- 2.2.6 Age UK runs six warden schemes which currently support 122 older and vulnerable people. As the schemes are funded by a mixture of CCC, District Councils, Parish Councils and by scheme users funds, it is planned that these will move to grant funding as it is not appropriate for this element to be tendered.
- 2.2.7 The six Age UK day centres continue to be used by the social care teams for older people, although referral rates vary across the teams. Funding responsibility for day services has recently been transferred to the locality teams. It is anticipated that these services will go out to tender once UnitingCare have confirmed their intentions regarding the contract. Discussions concerning this are on-going with UnitingCare.

2.3 The re-commissioning of Advocacy Services

- 2.3.1 The advocacy project has been put into place to take forward the re-commissioning of all advocacy services and to rationalise the seven existing contracts into one single contract. Due to the commitment to involving service users and carers in the development of the new service specification and the length of the associated public consultation and procurement process, this project is working to implement the new single advocacy contract from 1st September 2016.
- 2.3.2 The new single independent advocacy service will build on the success of current and previous services. The key benefits of having one single advocacy service will be the provision of a single point of access for service users to improve the ease of use. It will also ensure equal access to the service throughout the County and ensure that all statutory obligations set out in the Care Act concerning advocacy are met by the Council. One single contract will also provide better for value for money and reduced contract management costs.
- 2.3.3 The need for the exemption is to ensure that advocacy services continue to be delivered whilst the advocacy project is taking forward the process to develop a new single service model. Although the Age UK contract delivers a range of services as set out at 2.2.2 and not just advocacy, LGSS Procurement has advised that the whole contract requires an exemption as we cannot separate out one element of a contract.
- 2.3.4 Although the advocacy project has an implementation date for the new single contract of the 1st September 2016, the Care Act Programme Board has proposed that any exemptions required on contracts in the list in paragraph 1.3 should be requested up to 31st December 2016. This is to allow for any delays or slippages in the project timescales, particularly if more time is required to accommodate service user and carer involvement, and will ensure that existing advocacy providers continue to provide advocacy services up until the new single contract is in place.
- 2.3.5 The timeframes will be discussed with providers and it will be made clear that we will serve notice on their contracts to bring them to an end on 31st August 2016 if we are able to proceed with the new service starting on 1st September 2016. This approach is being taken

in response to feedback from providers that it is difficult for them to maintain services if procurement timescales slip and we then negotiate an extension with them. The Age UK contract is the only contract that requires approval by Members of the Adults Committee because other contract exemptions fall within the delegated powers of the Executive Director, Children, Families and Adults.

2.4 Previous 12 month exemption

- 2.4.1 This contract has had a previous 12 month exemption applied from the 1st December 2014 until the 30th November 2015. That exemption was agreed due to the procurement process being undertaken by the Clinical Commissioning Group which included their commissioning activity with Age UK being passed to UC under the new OPAC contract that started in April 2015.
- 2.4.2 The value of the previous exemption was £450,352. The value of this exemption is £487,881.33 reflecting that the extension requested is for 13 months.
- 2.4.3 LGSS Procurement has advised that this contract falls under the new light-touch regime (LTR). LTR is a specific set of rules for certain service contracts that tend to be of lower interest to cross-border competition. Those service contracts include certain social, health and education services, defined by Common Procurement Vocabulary (CPV) codes. LTR has their own threshold and all services below this threshold are exempt from the EU procedure rules. This threshold is EUR 750 000 (£620k). As this extension falls under the threshold an exemption will not be in breach of the EU requirements.
- 2.4.4 However, to ensure that the Council complies with the principles of transparency and equal treatment, Procurement advises that a Voluntary Ex Ante Transparency Notice (VEAT) be published outlining the Councils intention to extend the contract. A VEAT notice allows any providers who may have had an interest in bidding for the Contract to raise any objections they have to the services not being tendered at this point.

3.0 ALIGNMENT WITH CORPORATE PRIORITIES

3.1 Developing the local economy for the benefit of all

- 3.1.1 The extension of this contract will continue to provide employment for local people with Age UK.

3.2 Helping people live healthy and independent lives

- 3.2.1 Under the Care Act 2014, no matter how complex a person's needs, local authorities are required to ensure that people can express their views and aspirations, support them in weighing up their options, and assist them in making their own decisions about their care and support or safeguarding processes.
- 3.2.2 Advocates will be provided where there is no family member or friend to act as an appropriate person to facilitate the individuals' involvement in the decision making about their care and support.

3.3 Supporting and protecting vulnerable people

- 3.3.1 The seven existing advocacy contracts across Cambridgeshire provide advocacy services for people with mental health needs, older people, looked after children, children in need and people with physical, sensory or learning disabilities or multiple disabilities, which affect their ability to self-advocate.
- 3.3.2 Specifically, the Age UK contract as a whole will continue to make provision for the services outlined at 2.2.2 that will support older people to maintain independence and prevent, delay or reduce the need for social care and support.

4.0 SIGNIFICANT IMPLICATIONS

4.1 Resource Implications

- 4.1.1 The value of the Age UK contract and the value of extending the contract for a further 13 months is detailed in paragraphs 2.1.2 and 2.4.2 above.
- 4.1.2 The performance of the Age UK contract will continue to be monitored through the existing contract management arrangements and performance measures.
- 4.1.3 The rationalisation of the seven existing contracts into one single contract will provide better value for money by reducing management overheads and a reduction in contract management costs.

4.2 Statutory, Risk and Legal Implications

- 4.2.1 The Care Act 2014 places a statutory duty on local authorities to arrange an independent advocate where the person involved in assessment, support planning and review process and in safeguarding needs assistance to fully participate in the process and does not have anyone else who could assist them.
- 4.2.2 In preparing this report, the opinion of LGSS procurement was sought. Please see paragraphs 2.6.3 and 2.6.4 above.

4.3 Equality and Diversity Implications

- 4.3.1 The advocacy project and the creation of new single advocacy contract will have due regard to the Council's equality duties under the Equality Act 2010.
- 4.3.2 The Council is committed to providing fair and equally accessible advocacy services for everyone in Cambridgeshire who has a right to access advocacy under the duties of the Care Act 2014. An initial draft of a Community Impact Assessment for the new independent advocacy service has been written. The final version will include feedback gained through the involvement of service users and carers

in the development of the service specification and from the first stage of the public consultation when it concludes in October 2015.

4.4 Engagement and Consultation Implications

- 4.4.1 The Council is committed to ensuring the participation of stakeholders including existing and potential service users and carers in developing the new service specification. The Council is therefore undertaking a comprehensive participation and public consultation exercise.
- 4.4.2 The public consultation started on 13th July 2015, for a period of 90 days, and is running alongside more direct involvement of service users and carers and will feed into the development of the service specification. The service specification will then be shared widely with service users and carers and the public as a second stage of the consultation.

4.5 Public Health Implications

- 4.5.1 For the duration of the extension Age UK will continue to provide preventative services that will have a positive impact on the health and wellbeing of older people across Cambridgeshire.

4.6 Localism and Local Member Involvement

- 4.6.1 There are no significant implications within this category.

SOURCE DOCUMENTS GUIDANCE

Source Documents	Location
Care and Support Statutory Guidance Chapter 7 "Independent Advocacy"	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/366104/43380_23902777_Care_Act_Book.pdf
Adult Social Care Policy Framework Section 10.0 "Advocacy"	http://www.cambridgeshire.gov.uk/info/20166/working_together/579/delivering_the_care_act/2