

DRAFT SERVICE SPECIFICATION FOR THE SINGLE INTEGRATED ADVOCACY CONTRACT

To: **Adults Committee**

Meeting Date: **1st December 2015**

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

Electoral division(s): **All**

Forward Plan ref: **Not Applicable** *Key decision:* **No**

Purpose: **To consult with the Adults Committee on the content of the early draft of the service specification for the single integrated advocacy contract that will commence from the 1st September 2016.**

Recommendation: **The Committee is asked to provide views on the proposed content of the service specification.**

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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 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 Some background briefing was provided to Adults Committee in September 2015. However, to reiterate, the Council currently 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)

There are also currently spot purchase arrangements in place to provide advocacy for carers.

- 1.4 A summary of the draft service specification for the independent advocacy service for Cambridgeshire and Peterborough is therefore provided to Adults Committee as requested. It highlights the proposed future provision of advocacy services across Cambridgeshire and Peterborough.

2.0 MAIN ISSUES

2.1 The re-commissioning of Advocacy Services

- 2.1.1 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 September 2016.

- 2.1.2 The commissioning of the new single contract combines adults and children's advocacy into one service to enable children and adult users to easily find, access and navigate the right services at the right time and to take control of their support arrangements. The rationalisation of the existing contracts will provide a more integrated and seamless response. Existing contracts will be extended as required ensuring they continue up until the new contract is in place.
- 2.1.3 The new advocacy service will build on the success of current and previous services and will ensure that the provision of specialist advocacy services currently covered in individual contracts continues under the new arrangements. The contract will also expect 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. This contract will aim to provide a seamless coordinated experience and in the process achieve value for money and be centrally managed reducing duplication of contract monitoring and reporting for the council and provider(s).
- 2.1.4 The total value of the new single advocacy contract for Cambridgeshire (excluding Peterborough) is £792,799.
- 2.1.5 The specification is being developed with the involvement of existing and potential service users, providers, partners, service users and carers and the general public as part of a comprehensive programme of consultation and participation. It should be noted that an early draft of the specification has been produced and that the final document will not be drafted until the second phase of consultation closes in February 2016.

2.2 Opportunity to Joint Commission with Peterborough

- 2.2.1 Peterborough City Council is also taking the implementation of the Care Act 2014 as an opportunity to re-commission a new integrated advocacy service for their area. Tentative discussions had previously taken place with Peterborough around a joint commissioning approach and this has now been agreed as the way forward.
- 2.2.2 We have agreed with Peterborough that whilst we will undertake joint commissioning and seek the same provider / providers across both areas, the process will culminate in two separate contracts so that financial arrangements and budgets remain clearly defined within each area. Peterborough has committed to working within the set timeframe of our advocacy project.
- 2.2.3 The second 90 day period of consultation is being taken forward jointly by both areas.

2.3 The Draft Service Specification

- 2.3.1 The Council is looking for an advocacy service that responds to the requirements of a number of legislative Acts. These are:
 - The Care Act (2014)

- Children and Families Act (2014)
- The Mental Health Act 2007, 1983 and revised Mental Health Act Code of Practice (2014)
- The Health and Social Care Act (2012)
- The Equalities Act (2010)
- The Children's Act 1989 and Care Planning and Case Review Guidance and Regulations 2010
- The Mental Capacity Act 2005
- The Autism Act (2009)
- United Nations Convention of the Rights of Child (ratified in 1991).

- 2.3.2 The service specification is deliberately focused on process and change outcomes and quality standards rather than long detailed lists of requirements. The specification does require potential providers to be familiar with legislation and statutory requirements relating to the provision of independent advocacy. This approach allows providers to draw on their collaborative experiences to propose detailed, innovative models of delivery that would work for Cambridgeshire and Peterborough.
- 2.3.3 Given the breadth and range of generic and specialist advocacy services required, it is likely that some form of consortium or partnership arrangement will be required to enable the range of specialist services to be adequately provided. This is in line with feedback we received from potential providers at a provider consultation event that we held in September 2015.
- 2.3.4 The Provider(s) must identify which modes of integration and partnership work are best for delivering this service to Cambridgeshire and Peterborough's vulnerable children, young people, adults, older people, patients, residents and local people. The response must be flexible, able to adapt and be coproduced.
- 2.3.5 The successful provider(s) will be required to work within the vision set out in CCC's Operating Model and the Transforming Lives Programme which requires an increasingly proactive, preventative and personalised approach so that residents of Cambridgeshire exert choice and control and ultimately continue to live to the fullest extent possible healthy, fulfilled, socially engaged and independent lives.

2.4 Efficiency Savings

- 2.4.1 The financial pressures the Council is facing means all services must provide value for money, evidence how outcomes are cost effective, high quality, reduces the use of more intensive or litigious services and benefits the wider public sector.
- 2.4.2 The chosen provider(s) will be expected to achieve efficiency savings during the life of this contract which will be 5 plus 2 years. The Council will use contract review meetings with the provider to discuss the potential to utilise some of the savings in the statutory service provision, to provide more community advocacy services. Dependant on the financial situation of the Council each year, the option will still remain open for the Council to recoup any savings made if required.

2.5 Statutory and Community Advocacy Provision

- 2.5.1 The contract will prioritise statutory provision but will also aim to provide community advocacy, delivering greater self-determination and prevent needs/demand escalating. For example, through a range of community development approaches that promotes independence, self-advocacy and mutual support.
- 2.5.2 The prioritisation and provision of a statutory advocacy service will not represent a reduction in services. The statutory obligations that the Council must now adhere to under the Care Act will result in us providing additional services that we have not previously delivered.
- 2.5.3 Advocacy duties that will now be covered in the new single contract that the Council has not previously specifically contracted for include:
- Access to information and advice on care and support to keep adults safe from abuse and neglect.
 - Provision of advocacy for people subject to a joint package of care provision by the NHS and local authority.
 - Provision of advocacy for carers who have substantial difficulty in engaging, whether or not they have capacity.
 - Provision of advocacy services for Prisoners in custody in the 3 prisons located across Cambridgeshire and Peterborough.

3.0 ALIGNMENT WITH CORPORATE PRIORITIES

3.1 Developing the local economy for the benefit of all

- 3.1.1 The implementation of this contract will continue to provide employment for local people with the successful provider / providers.

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 This single contract will 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.

4.0 SIGNIFICANT IMPLICATIONS

4.1 Resource Implications

- 4.1.1 The total value of Cambridgeshire's contribution to the contract is £792,799.
- 4.1.2 The performance of this contract will be monitored through contract management arrangements and performance measures that are set out in the draft specification at sections 12 and 14. Further discussions around the detail of the contract management arrangements and performance measures are still on-going between Cambridgeshire County Council and Peterborough City Council.
- 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.
- 4.1.4 The draft specification will include a requirement for the chosen provider(s) to achieve efficiency savings during the life of the contract. The advocacy project team is currently liaising with colleagues within the County Council's Finance Team to undertake some financial modelling. Once this work is complete, we will be able to set out some clearer expectations within the specification over what efficiencies will be expected.

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 The new service specification will cover the duty to provide advocacy under the other legislation set out in the report at paragraph 2.3.1.
- 4.2.3 In preparing this report and the draft specification, the opinion and views of LGSS procurement have been continually sought throughout the process.

4.3 Equality and Diversity Implications

- 4.3.1 The advocacy project and the creation of a 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 which concluded 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 initial public consultation period started on 13th July 2015, for a period of 90 days, and was running alongside more direct involvement of service users and carers. The feedback gathered from this process has fed into the development of the draft service specification. The service specification is now being shared widely with service users, carers and the public as part of the second stage of consultation.
- 4.4.3 We are now in the early stages of the second public consultation period which will also run for a period of 90 days and conclude in early February 2016. This phase of the consultation is running specifically to receive views and feedback on the initial draft specification. The feedback gathered from this process will inform the final draft.

4.5 Public Health Implications

- 4.5.1 The integrated advocacy service will provide preventative services that will have a positive impact on the health and wellbeing of people across Cambridgeshire and Peterborough.

4.6 Localism and Local Member Involvement

- 4.6.1 Advocacy services, as described in the service specification, will be available for people across Cambridgeshire. Local Members can play a part in ensuring that people in their wards who meet the requirements for an advocate know how to access this support. In a more general sense, Members also have a role in advocating for their constituents.

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