



**CABINET**

**14<sup>th</sup> FEBRUARY 2016**

**STRATEGIC DIRECTOR FOR ADULTS COMMISSIONING: ANNA EARNSHAW**

**CABINET MEMBER WITH RESPONSIBILITY FOR ADULT SOCIAL CARE:  
COUNCILLOR BILL PARKER**

<b>Subject:</b>	<b>Commissioning of Carers Services and Advocacy Contract Extension and new Contracts</b>
<b>Recommendations:</b>	<p>Cabinet is asked to:</p> <ol style="list-style-type: none"><li>1. Approve the extension of the existing Carers Contracts listed below until 30<sup>th</sup> September 2017:<ul style="list-style-type: none"><li>• Northamptonshire Carers</li><li>• NVCA</li><li>• Alzheimer’s Peer Support</li><li>• East Midlands Crossroads Care</li><li>• Northamptonshire Carers TUPE arrangement</li></ul></li><li>2. Approves the extension of the existing Independent Advocacy Service contract with VoiceAbility until the 31<sup>st</sup> July 2017.</li><li>3. Agree that delegated authority be given to the Strategic Director for Adults Commissioning in consultation with the Portfolio Holder for Adult Social Care to develop and implement the commissioning and procurement arrangements and the subsequent award to the Council’s preferred bidder /s and thereafter finalising and executing all the necessary contractual documentation for the:<ol style="list-style-type: none"><li>a) Adult Social Care related Independent Advocacy Service commencing on 1<sup>st</sup> August 2017 for a period of 3 years with an option to extend for a further two years</li><li>b) Carers Services commencing on 1<sup>st</sup> October 2017 for a period of 3 years with an option to extend for a further 2 years.</li></ol></li></ol>

**1. Purpose of Report**

1.1 The report seeks approval from Cabinet for an extension to the above contracts from 1<sup>st</sup> April 2017 to the 30<sup>th</sup> September 2017 in respect of existing Carers Contracts and for the period 1<sup>st</sup> April 2017 to the 31<sup>st</sup> July 2017 in respect of the Independent Advocacy Service Contract. Extensions are required to ensure the continuation of key services while the Northamptonshire Sustainable Transformation plans for Carers are developed and the new Independent Advocacy Service Contract is developed to reflect the growing demands and complexity for advocacy services.

1.2 Approval is also sought for delegated Authority to be granted to the Director of People Commissioning to allow the re-commissioning and subsequent award of contracts in respect of the Independent Advocacy Service from 1<sup>st</sup> August 2017 and the Carers service from 1<sup>st</sup> October 2017 that reflect the Council requirements and Commissioning intentions.

## 2. How this decision contributes to the Council Plan

2.1 The Council's vision is to make Northamptonshire a great place to live and work. This is achieved through increasing the wellbeing of your county's communities and/or safeguarding the county's communities.

This initiative specifically delivers increased wellbeing and/or safeguarding by ensuring that:

- People of all ages are safe, protected from harm and able to live happy, healthy and independent lives in our communities.
- People have the information and support they need to make healthy choices and achieve wellbeing.
- Resources are utilised effectively and efficiently, in coordination with partners and providers.

## 3. Background

### Carers

3.1 A decision to extend the Carers contracts was agreed by Cabinet in January 2016 until 31<sup>st</sup> March 2017. The extension was agreed through Cabinet to allow for the services to be remodelled to ensure the new duties placed on the Council with the introduction of the Care Act, were met. The Council has since then implemented the requirements for Adult carers and these changes have been embedded in the new service model.

3.2 The Council had aimed to let a new contract with effect from 1<sup>st</sup> April 2017 but over recent months has been exploring the ability to do this jointly with Health Partners and to align this to the Sustainability Transformation Plan (STP). Although the overarching STP has been published recently the final detail of how Carers needs might be addressed in new ways have not been finalised and this will still be under development in 2017/18. While the joint planning has been beneficial in understanding alternative models to provide support in the community and in identifying the potential benefits of a joint procurement, the timescales to agree a new service specification do not fit with the Council's current contract arrangements.

3.3 As a joint commissioning arrangement could not be agreed with Health in the required timescales, the Council has made a decision to progress the commissioning of carers services independently commencing on 1<sup>st</sup> October 2017 start. This would ensure that the Council can continue to meet the Council's statutory responsibilities for carers and carer's assessment. The Council will however seek to review and refine the contracts and contract specifications through a contract review process once a formal plan for carers activities is published as part of the STP delivery programme.

3.4 In the meantime the Council will require any extension to the existing contracts until 30<sup>th</sup> September 2017 whilst the Council finalises the tender as the sole commissioner and to ensure that the Council has appropriate contractual cover in place. The award

of the new contract would then take effect from 1<sup>st</sup> October 2017 and will allow for the Council to respond to any emerging changes to the strategy.

### **Independent Advocacy Services**

- 3.5 Since 2010 the Council has contracted a single provider, Voiceability, for the provision of a generic advocacy service which incorporated the Council's statutory duty in relation to advocacy. Voiceability operate locally under the name, Total Voice Northamptonshire.
- 3.6 The Advocacy contract was also extended by Cabinet in January 2016 to the 31<sup>st</sup> March 2017 due to the changes introduced by the Care Act which increased the scope and demand of the services required to be provided by the Council. The scope of statutory advocacy provision requires the incorporation of wider safeguarding issues across the health and social care economy, with this demand being projected to grow steadily. The new contract is required to address and meet the needs of a wider more diverse community, with the focus being on existing but also emerging needs in areas such vulnerable parents, younger adults/transitions, sensory impairment, modern day slavery, refugee and BME needs.
- 3.7 Voiceability currently also provide Independent Mental Capacity Advocates (IMCA) services to people who have no family or friends to support and represent them.
- 3.8 However if the person being supported or the IMCA advocate challenges a decision in relation to care made by the Local Authority then authorisation can be obtained through the 'Deprivation of Liberty Safeguards' (also known as DoLS), which allows local councils to authorise a deprivation of liberty via the Court of Protection. Adults Social Services has seen a significant rise in the number of DOLs cases following a number of legal precedents set in 2013 and a growing backlog of cases has resulted. During such cases the person placed in care must be supported by a Paid Responsible Person Representative (RPR).
- 3.9 The existing contract does not include the obligation for the existing Independent advocacy provider (VoiceAbility) to provide DOLs services and as a result the Council uses LGSS Finance to process claims to the Court of Protection and LGSS legal to represent the person placed in care. There is a cost to the Council for each case.
- 3.10 Given the backlog of cases and cost of the current arrangements the Council now wishes to extend the existing contract arrangements until 31 July 2017 and vary the contract to include the provision of a DOLs service from VoiceAbility in order that they can perform the role of the Paid Responsible Person Representative (RPR) and where appropriate apply to the Court of Protection on the person's behalf to challenge the Councils authorisation and apply for the Non means-tested legal aid which is available to support this process. This will help clear the current backlog of cases pending the award of a new contract from 1 August 2017.
- 3.11 In the meantime the Council's Commissioners have been developing the contractual terms and service specifications for a new Independent Advocacy Service contract in order to commence a procurement in March 2017 with contract award expected in July 2017 and the new service starting on 1<sup>st</sup> August 2017. The value of the contract is £550,000 per annum.

#### 4. Consultation and Scrutiny

- 4.1 Previous consultation has informed the development of the Carers Strategy, which has been instrumental in the development of the service specification. Carers who use the services will also be engaged in the re-procurement in order to ensure their views and preferences are taken into account.
- 4.2 The Carers Partnership Board has also been consulted and is supportive of the short extension as well as the long term approach.
- 4.3 Consultation with users, service leads and wider best practice has also been considered in relation to the changes to Advocacy and the process for re-procurement has commenced taking these factors into account.

#### 5. Alternative Options Considered

- 5.1 The alternative to extending the existing contracts for Carers Services for 6 months would have been to extend the existing contracts on a rolling basis while the STP plans were further developed. However it is inadvisable that the existing contracts are extended indefinitely and it is imperative that the Council must now re-tender as soon as practically possible to ensure compliance with procurement regulations.
- 5.2 In relation to the Independent Advocacy Service the alternative would have been to undertake a shortened procurement process in order to award a contract for 1<sup>st</sup> April 2017. However this would have presented significant risk in securing the required services against a robust specification that met the existing service needs and statutory requirements and reflected the potential future volumes of cases in this complex area.

#### 6. Financial Implications

- 6.1 The Carers Services and Advocacy contract budgets are funded by existing base budget. The budget for Carers will be £750K per annum for advocacy the total budget is £550K per annum. The extension of the proposed contracts will provide the opportunity to retender and ensure the services that are commissioned deliver better value for money in terms of outcomes, scope and costs.

What benefits will the proposal deliver?	The new Carers contract will reflect the new Carers Strategy with improved outcomes around the number of carers supported and improved quality standards for statutory carer's assessments.  The new Advocacy contract will provide an increased set of services, greater capacity to support the DOLs caseload and ensure the Council has flexibility in relation to caseload volumes within the contract price.
--	---

## 7. Risk and Business Continuity Management

### a) Risk(s) associated with the proposal

Risk	Mitigation	Residual Risk
Challenges to the extension of the contracts	Procurement and service development is already underway	Amber

### b) Risk(s) associated with not undertaking the proposal

Risk	Risk Rating
Demand could outstrip supply	Amber
TUPE would not be completed	Red
Duplication for Parent Carers	Red
Re-commissioning would not be integrated	Red

Author:	Name: Anna Earnshaw Team: Strategic Director Adults Commissioning and Transformation People Directorate
Contact details:	Tel: 01604 362991 Email: aearnshaw@northamptonshire.gov.uk
Background Papers:	
Does the report propose a key decision is taken?	YES
If yes, is the decision in the Forward Plan?	NO – the General Exception Rule has been applied.
Will further decisions be required? If so, please outline the timetable here	NO
Does the report include delegated decisions? If so, please outline the timetable here	YES Carers Contract award 1 <sup>st</sup> October 2017 Advocacy Contract award 1 <sup>st</sup> August 2017
Is this report proposing an amendment to the budget and/or policy framework?	NO
Have the financial implications been cleared by the Strategic Finance Manager (SFM)? Have any capital spend implications been cleared by the Capital Investment Board (CIB)	YES
Has the report been cleared by the relevant Director?	YES Name of Director: Dr Carolyn Kus
Has the relevant Cabinet Member been consulted?	YES Cabinet Member: Bill Parker
Has the relevant scrutiny committee been consulted?	NO Scrutiny Committee:
Has the report been cleared by Legal Services?	YES Name of solicitor: Allis Karim
	Solicitor's comments:

Have any communications issues been cleared by Communications and Marketing?	NO:
Have any property issues been cleared by Property and Asset Management?	N/A
Are there any community safety implications?	NO
Are there any environmental implications:	NO
Are there any Health & Safety Implications:	NO
Are there any Human Resources Implications:	YES There are TUPE implications on the current contracts which make it imperative that the Council extend the contracts to carry out the duties.
Are there any human rights implications:	NO
Constituency Interest:	No specific constituency, it covers the whole County