

7th September 2011		APPENDIX 1
Cabinet		
TO SEEK APPROVAL TO TENDER FOR THE PROVISION OF ADVOCACY SERVICES		
Portfolio Holder: Cllr T Fish : Adult Social care		
Wards and communities affected: All	Key Decision: Yes	
Accountable Head of Service: Roger Harris, Head of Strategic Commissioning and Resources		
Accountable Director: Lorna Payne, Corporate Director of Community Well-Being		
This report is Public (Appended Commissioning Report is Exempt)		
Purpose of Report: To seek Cabinet approval to tender for the provision of advocacy services.		

EXECUTIVE SUMMARY

The Council's Corporate Plan and Community Strategy sets a clear vision for Thurrock:

We want Thurrock to be at the dynamic heart of the Thames Gateway, a place of ambition, enterprise and opportunity, where communities and businesses flourish.

Our priorities within the community strategy are:

- improve the education and skills of local people
- encourage and promote job creation and economic prosperity
- ensure a safe, clean and green environment
- provide and commission high quality and accessible services that meet, wherever possible, individual needs
- build pride, respect and responsibility in Thurrock's communities and its residents

This report seeks Cabinet approval to enter into a tender process for the provision of an advocacy service for adult social care and details how we aim to commission high quality and accessible services that meet this particular need.

Advocacy in all its forms seeks to ensure that people are able to speak out, to express their views and that vulnerable service users are able to access their full range of legal rights.

The Council has a duty to involve residents in the delivery of services, policy and decision making; promoting equal opportunities for people to be engaged and get involved (section 138 of the Local Government and Public Involvement in Health Act 2007). In order for some Adult Social Care service users to actively participate in decisions that affect their lives they require the services of an advocate.

This coupled with the unique responsibilities in Adult Social Care (as defined by the Government's November 2010 strategy 'A Vision for Adult Social Care: Capable Communities and Active Citizens') to ensure that everyone is able to get the information and advice they need; and the responsibility to support people to make decisions about their care means that the requirement to provide Advocacy Services is integral to Adult Social Care and in meeting the needs of service users.

It is the intention of the department to work with the local User Led Organisation for Thurrock (this is dealt with in more detail in Section 4 – Consultation) and any identified interested parties/stakeholders to develop the final specification

1. RECOMMENDATIONS:

1.1 That Cabinet give approval to commence a tendering process for the provision of advocacy services.

1.2 That Cabinet delegate to the accountable Director reporting to the relevant Portfolio Holder the authority to award the subsequent contract to the highest scoring tenderer under an EU compliant and constitutionally compliant tendering exercise.

2. INTRODUCTION AND BACKGROUND:

2.1.1 Advocacy services represent the interests of people who may find it difficult to be heard or to speak out for themselves. This can include older people, those with disabilities and those with mental health problems.

2.1.2 Adult Social Care currently commissions independent advocacy services for adults aged 18 – 64 with mental ill health and/or disabilities and older people with mental ill health.

2.1.3 In addition, the department also commissions Independent Mental Capacity Advocate (IMCA) and Deprivation of Liberty (DoL) services.

2.1.4 There is a requirement under the Mental Capacity Act 2005 for the Local Authority to provide an independent advocate to represent a person who lacks capacity, possibly because of dementia, a brain injury, a learning disability or

mental health needs, who is faced with certain decisions about long term care moves (e.g. into a residential care home) or in a care review or adult protection case.

- 2.1.5 The current contracts for the provision of advocacy services are due to expire on 31st March 2012. As can be seen from the above, these services are required to meet the needs of vulnerable people, government guidance and legislative requirements.
- 2.1.6 Subject to Cabinet approval, the final specification will be developed in conjunction with representative groups/interested parties to ensure the service meets the needs of vulnerable people in Thurrock. The tender process will commence once the final specification has been developed and agreed.
- 2.1.7 It is our intention to tender the service with the option of lots (i.e. you can bid for either the whole or a small part of the contract). This may encourage small and specialist providers (who may not have the necessary capacity/capability to administer a larger contract) to take part in the tender.
- 2.1.8 There is sufficient budget available for ongoing funding of these services.
- 2.1.9 Further details on this matter are contained in the commissioning report appended in the exempt part of this report.

3. ISSUES AND/OR OPTIONS:

The key issue for Cabinet to consider is the continuing requirement for the provision of advocacy services as defined by good practice, government guidance and legislative requirements.

4. CONSULTATION (including Overview and Scrutiny, if applicable)

- 4.1.1 As stated previously, it is the intention of the department to work with the local User Led Organisation (ULO) and any identified interested parties/stakeholder to develop the final specification. This will ensure that the specification meets the local community's requirements.
- 4.1.2 The Social Care Institute for Excellence (SCIE) defines a ULO as 'organisations that are run by and controlled by people who use support services, including disabled people of any impairment, older people, and families and carers.
- 4.1.3 ULO's were set up to give people more control over how their support needs are met'. Giving a voice to people who often go unheard and ensuring that people using Adult Social Care services and their families influence policy and provision.
- 4.1.4 As such, it is appropriate that Adult Social Care aims to co-produce the advocacy specification with the ULO as both the aim of this organisation and ultimately the advocacy services we procure are about empowering vulnerable people, giving them more control and ensuring they have a voice.

5. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT

5.1 The provision of these services has the potential to impact on all Corporate Priorities defined with in the Sustainable Communities Strategy but specifically:

“To provide and commission high quality and accessible services that meet, wherever possible, individual needs”.

6. IMPLICATIONS

6.1 Financial

These are detailed in the exempt report

Implications verified by: Funké Nana
Telephone and email: 01375 652 451 fnana@thurrock.gov.uk

6.2 Legal

Implications verified by: Daniel Toohey
Telephone and email: **01375 65 2049; dtoohey@thurrock.gov.uk**

The procurement process will be governed by the requirements of the Council’s Constitution, as set out in the Contract Procedure Rules, and also the provisions of the Public Contracts Regulations 2006.

Legal Services and Procurement Services will be available to advise and assist the responsible officer in complying with these requirements.

6.3 Diversity and Equality

Advocacy Services provide an essential voice for vulnerable groups. They provide direct casework, help and support in situations where people may be at risk of losing their individual liberty – e.g. at tribunals. Advocacy services also enable vulnerable groups to participate in ordinary activities e.g. organising their finances. A key aspect of any contract relating to the supply of these services will be establishing appropriate monitoring arrangements to ensure the service is accessible to a wide range of service users. The service specification and contact monitoring framework will need to be subject to

Equality Impact Analysis (EqIA) to ensure the contract meets the needs of all users.

Implications verified by: Samson DeAlyn
Telephone and email: 01375.652472
sdealyn@thurrock.gov.uk

Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental

We have given due regard to the Section 17 duty and the implications for the tender process.

7. CONCLUSION

- 7.1.1 Thurrock Council has a responsibility to provide advocacy services.
- 7.1.2 In Thurrock the provision of these services will contribute to the Council's priorities in terms of delivering high quality services that meet individual needs.
- 7.1.3 Cabinet are asked to agree to the request to tender for advocacy services.
- 7.1.4 There is sufficient budget available for ongoing funding of these services.

APPENDICES TO THIS REPORT:

- **The commissioning report which is exempt**

Report Author Contact Details:

Name: Sarah Carter
Telephone: 01375 652179
E-mail: SAcarter@thurrock.gov.uk