



London Borough of Hammersmith & Fulham

CABINET MEMBER DECISION

FEBRUARY 2015

AGREEMENT TO EXTEND CURRENT CONTRACTUAL ARRANGEMENTS FOR PROFESSIONAL ONE TO ONE ADVOCACY SERVICES FROM 1 OCTOBER 2014 TO 30 JUNE 2015

Report of the Cabinet Member for Health and Adult Social Care

Open Report

Classification - For Decision
Key Decision: No

Wards Affected: All

Accountable Executive Director: Liz Bruce, Executive Director, Adult Social Care and Health

Report Author: Tabby Eichler, Adult Social Care Procurement and Contracts Manager

Contact Details:
Tel: 020 7642 6640
E-mail:
teichler@westminster.gov.uk

AUTHORISED BY:

The Cabinet Member has signed this report.

DATE: 25 February 2015.....

1. EXECUTIVE SUMMARY

- 1.1 This report seeks approval to vary and extend the advocacy service provided by the incumbent Professional Advocacy Service provider in Hammersmith and Fulham.
- 1.2 An extension and variation of services is required to enable the letting of a Framework Agreement for Professional Advocacy Services in Hammersmith and Fulham, Kensington and Chelsea and Westminster. The new service will commence by 1 July 2015.
- 1.3 The report requests authority in accordance with paragraph 20.1.2 of Contract Standing Orders to approve the direct award of two contracts for Individual Professional Advocacy provided by Action on Disability, for nine months from 1st October 2014 to 30th June 2015.

Clinical Commissioning Groups

- 1.4 The Clinical Commissioning Groups (CCGs) have considerable funding invested in Advocacy for people with mental health needs and dementia and the Commissioning Support Unit will be submitting a similar report to the CCG boards to extend current contractual situations as required.
- 1.5 As identified in the Care Act Implementation Impact Analysis (Jan 2014), future demand and service activity for advocacy services may increase during the extension period, as a result of the Care Act 2014, and the statutory duty to provide independent advocates. Officers are currently exploring the potential impact collaboration with the Business Analysis team.

2. RECOMMENDATION

- 2.1 That approval be given to the direct award of the contracts for General and Community Mental Health Advocacy and Individual Professional Advocacy for people with a Profound and Multiple Learning Disability provided by Action on Disability for nine months from 1 October 2014 to 30 June 2015 as set out in Table 1 of this report, in accordance with paragraph 20.1.2 of Contract Standing Orders.

3. RISK MANAGEMENT

- 3.1 This report recommends extension and variation of both services as set out at Table 1 for nine months, in order to allow a tender process to conclude.

Table 1 H&F Advocacy Services

Provider	Service Name	Description	Current Contract Start/End	Annual Contract Value	Health Contribution	ASC Contribution	Total Value for Contract Extension (9 months-01/10/14 – 30/06/15)	Total Contract Value inc 1 yr extension to 30/06/2015
Action on Disability	Professional Advocacy Service	General and Community Mental Health Advocacy service	16/02/09-30/09/14	£75,000	NIL	£75,000	£56,250	£478,130
Action on Disability	Professional Advocacy Service	Professional Advocacy for people with a Profound and Multiple Learning Disability	16/02/09-30/09/14	£48,000	NIL	£48,000	£36,000	£306,000

3.2 If the services are not extended and varied there is the potential for a gap in provision as the new services are not expected to start until the summer of 2015.

3.3 The recommendation ensures that the Council will meet its new statutory duties under the Care Act from April 2015.

4. EQUALITY IMPLICATIONS

4.1 It is envisaged that the outcome of this tender will have a neutral or positive impact on the protected groups. It is not anticipated that the services received by current service users will vary significantly from what is currently received. Eligibility for access to these services is not affected under this process and there is no planned reduction in budget. Future arrangements will be monitored on the take up of the service by diverse communities through monitoring and in relation to local population data analysis.

5. CONSULTATION

5.1 The current advocacy service providers have been advised of the proposed extension.

6. LEGAL IMPLICATIONS

- 6.1 The services described in this report are Part B services under the Public Contracts Regulations 2006 and are therefore not subject to the full regime of those Regulations. However, the Councils should still seek to comply with general treaty principles of transparency, equal treatment, non-discrimination and proportionality.
- 6.2 It can be demonstrated in this case that any cross-border interest in these two services is unlikely, i.e. European providers would not be interested in bidding. Services of the type described in this report offering local community provision tend to be delivered by local SMEs which do not attract cross border interest.
- 6.3 It is understood that the proposed direct awards, as set out in the body of the report, are an interim measure due to the delay in the current procurement exercise for the procurement of the long-term contract.
- 6.4 It is essential that the necessary contract documentation is completed in the event that the recommendations are accepted so that the Council is fully protected.
- 6.5 Implications completed by: Andre Jaskowiak, Solicitor (Contracts), Hammersmith and Fulham and Kensington and Chelsea Legal Services, 020 8753 2772.

7. PROCUREMENT IMPLICATIONS

- 7.1 As set out in the body of the report, the extension and variation of these services is an interim measure in order to allow a tender process to conclude. The procurement strategy for the tender of ASC Advocacy services named in this report was approved in accordance with LBHF Contract Standing Orders in May 2013.
- 7.2 Section 2 of this report seeks approval for the direct award of Professional Advocacy Services as set out in Table 1 in line with Contract Standing Orders of the Council.
- 7.3 Approval to extend and vary contracts named in this report is sought, in accordance with paragraph 20.1.2 of the H&F Contract Standing Orders as set out below:

'Where there are no such provisions or where such provisions have already been exhausted then, in exceptional circumstances only, temporary arrangements may be sought from the current provider on existing terms and conditions to provide a continuation of service whilst a procurement exercise is undertaken. Authority to enter into a temporary contract may be authorised by the relevant Cabinet Member where the total value is £20,000 or greater but does not exceed £100,000 (subject to appropriate budgetary provision).' It is confirmed at paragraph 9.4 that there is adequate revenue budget for the service extension.

7.4 Implications completed by: Joanna Angelides, Hammersmith and Fulham and Kensington and Chelsea Procurement Consultant, 020 8753 2586.

9. FINANCIAL AND RESOURCES IMPLICATIONS

9.1 Budgets are stated below and show the total value of a nine months extension to the Council.

<i>Please separate revenue and capital implications into two tables</i>	2014/15(Q3/4)		2015/16 (Q1)	
	Confirmed budget figure £	Costs of proposal £	Confirmed budget figure £	Costs of proposal £
Current Budgets	61,500	61,500	30,750	30,750
Council Revenue budget	61,500	61,500	30,750	30,750
Council Capital budget				
External funding sources, e.g. TfL, NHS etc.				
SUB TOTALS				
Start-up Costs				
Lifetime Costs				
Close-down Costs				
TOTALS	61,500	61,500	30,750	30,750

9.2 The recommendation to extend the service for HAFAD (Action on Disability) from 1st October 2014 to 30th June 2015 will cost £37,500 in 2014-15 (with the loss of anticipated MTFS savings of £13,500) and £18,750 in 2015-16 (with the loss of anticipated MTFS savings of £6,750).

9.3 The extension of the payment for HAFAD (Action on Disability) (subcontracted to MENCAP from 1st October 2014 to 30th June 2015 will cost £24,000 in 2014-15 (with the loss of anticipated MTFS savings of £4,000) and £12,000 in 2015-16 (with the loss of anticipated MTFS savings of £2,000).

9.4 The cost of the proposals and the loss of MTFS efficiency savings can be met from within the current commissioning revenue budgets for the appropriate years.

9.10 Implications completed by: Cheryl Anglin- Thompson, Principle Officer - Local Budgets, Hammersmith and Fulham Finance Services, 020 8753 4022

Liz Bruce
Executive Director, Adult Social Care

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	Leader's urgent decision 4 June 2013 - Agreement To Procure Tri-Borough Professional One To One Advocacy Services (Jointly Funded With NHS) And Extend Current Contractual Arrangements To Cover The Procurement Process From April 2013 (exempt)	Martin Waddington Tel.020 8753 6235	Adult Social Care
2	Agreement to extend current contractual arrangements for Tri-Borough professional one to one Advocacy services from 1 April 2014 to 30 September 2014 (28 February 2024) – published	Peter McDonnell Tel. 020 7361 2715	Adult Social Care

Contact officer(s): *Steven Falvey, Adult Social Care Senior Commissioner (Community) Tel 020 8753 5032 email: steven.falvey@lbhf.gov.uk*

Tabby Eichler, Adult Social Care Procurement and Contracts Manager Tel: 020 7641 6640 email: teichler@westminster.gov.uk