

Committee Name and Date of Committee Meeting

Delegated Officer Decision – 29 October 2024

Report Title

Award of Contract – Rotherham Advocacy Service

Is this a Key Decision and has it been included on the Forward Plan?

No, but it has been included on the Forward Plan

Strategic Director Approving Submission of the Report

Ian Spicer, Strategic Director of Adult Care, Housing and Public Health

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

In 2019, following Cabinet Approval, a competitive procurement exercise was undertaken to secure an experienced, good quality, advocacy provider to provide the newly designed and co-produced Rotherham Advocacy Service for the period April 2020 to March 2023 with an option to extend for a further 2 years. The extension options were subsequently utilised and the contract is due to expire in March 2025. A further procurement exercise is currently underway to secure ongoing service from April 2025.

Independent advocacy services are necessary to meet all of the Council's statutory requirements under the Care Act 2014, the Mental Capacity Act 2005, the Mental Health Act 2007 and the Health and Social Care Act 2012. Statutory independent advocacy services provide support to people:

- who may require assistance throughout the care and support assessment and through the review process
- who are the subject of an adult safeguarding enquiry or a safeguarding adults review and may experience difficulty in understanding the process,
- who lack mental capacity to make decisions about themselves
- who are detained under the Mental Health Act
- who require support to complain about services provided by the NHS.

The service is currently provided by a local advocacy provider, however contract terms associated with the service reach their term on 31 March 2025.

This report and Appendix 2 outline the outcome of a recent competitive procurement process to enable the Council to continue to secure the service under a further contract arrangement post March 2025.

Recommendation

That approval be given to award a contract to Cloverleaf Advocacy 2000 Ltd for the provision of the Rotherham Advocacy Service, from 1st April 2025, for a period of 5 years until 31 March 2030.

List of Appendices Included

Appendix 1 – Officer Executive Decision Record

Appendix 2 – Tender Evaluation Report

Appendix 3 – Carbon Impact Assessment

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

Award of Contract – Rotherham Advocacy Service

1.	Background
1.1	In 2019, following Cabinet Approval, a competitive procurement exercise was undertaken to secure an experienced, good quality, advocacy provider to provide the newly designed and co-produced Rotherham Advocacy Service for the period April 2020 to March 2023 with an option to extend for a further 2 years. The extension options were subsequently utilised and the contract is due to expire in March 2025. A further procurement exercise is currently underway to secure ongoing service from April 2025.
1.2	<p>Independent advocacy services are necessary to meet all of the Council’s statutory requirements under the Care Act 2014, the Mental Capacity Act 2005, the Mental Health Act 2007 and the Health and Social Care Act 2012. Statutory independent advocacy services provide support to people:</p> <ul style="list-style-type: none"> • who may require assistance throughout the care and support assessment and through the review process • who are the subject of an adult safeguarding enquiry or a safeguarding adults review and may experience difficulty in understanding the process, • who lack mental capacity to make decisions about themselves • who are detained under the Mental Health Act • who require support to complain about services provided by the NHS.
1.3	<p>The single provider model currently being used has worked well and is considered the most effective way to deliver a range of advocacy types. The provider is able to triage and use service capacity efficiently and provide a timely response to requests by drawing on a network of skilled staff. Advocates are multi skilled and undertake training in a range of advocacy types – Independent Mental Capacity Advocacy, Independent Mental Health Advocacy, Relevant Person Representative, Care Act Advocacy and community advocacy (non-statutory). Other specialisms such as training in autism are also undertaken.</p> <p>This means that people accessing the service who require different types of specialised support are supported by the same advocate for a number of issues and receive consistent service.</p>
1.4	The current budget allocated to advocacy services is £466,738 per annum and service is purchased on an hourly basis, as required, at the agreed hourly rate. In 2023/24, 14,936 hours were provided.
2.	Key Issues
2.1	Assessment of the current model and feedback from users of the service and health and social care professionals indicated that there were no changes to the current model required. A Procurement Business Case was therefore submitted and approved by the Strategic Director Adult Care, Housing and Public Health on 5 th July 2024 to commence a further competitive tender process to secure ongoing service.

2.2	Three qualified organisations submitted applications.
2.3	The organisation considered by the panel to be able to provide the service most successfully was Cloverleaf Advocacy 2000 Ltd.
2.4	This organisation evidenced the ability, skills and knowledge to provide the service as detailed in the service specification.
2.6	The successful applicant is the incumbent provider and therefore TUPE is not applicable.
3.	Options and Recommended proposal
3.1	Option 1 (Recommended) – Award a contract to Cloverleaf Advocacy 2000 Ltd. As detailed above they were able to demonstrate to the panel that they had the experience skills and knowledge provide the service.
	Option 2 (not recommended) – Do not secure a contract post April 2024. Failure to provide an Advocacy Service would render the Council in breach of its statutory duty.
3.2	Recommended proposal – Option 1: For the reasons detailed in this report and prior to the termination of the current agreement on 31 March 2025 it is recommended that Cloverleaf Advocacy 2000 Ltd be offered a contract to provide the Rotherham Advocacy Service for a period of 5 years from 1 April 2025 to 31 March 2030.
4.	Consultation on proposal
4.1	As set out above the Local Authority is required by law to provide advocacy services. There is no requirement for the Council to consult on the outcome of a competitive procurement exercise. Prior to the procurement exercise feedback was sought from key stakeholders to help shape the specification and key performance indicators.
5.	Timetable and Accountability for Implementing this Decision
5.1	If agreed, the contract document will be finalised in November 2024 to permit continuation of the service beyond 1 April 2025.
6.	Financial and Procurement Advice and Implications
6.1	The procurement activity outlined in this report has been conducted in compliance with the Public Contracts Regulations 2015 (as amended) and the Council's own Financial and Procurement Procedure Rules.

6.2	The contractual arrangements outlined in this report will be funded from existing budgets within Adult Social Care, however, spend on statutory advocacy may exceed the current annual budget of £466,738 for Advocacy Services. Spend will be closely monitored by Commissioners and Finance and the provision of non-statutory advocacy may be curtailed or suspended if required. Total Forecast Spend for 2024/25 is £522k. The forecast spend for 2024/25 includes £18k costs that relate to the 2023/24 financial year that were not incurred until the 2024/25 financial year.
7.	Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)
7.1	The Council's Financial and Procurement Procedure Rules require competitive tendering for what the procurement legislation refers to as social or other specific services contracts with a value between £189,330 and the Relevant Threshold (£663,540). This has been complied with in these circumstances as the opportunity has been out to competition as set out in the report. A compliant contract setting out the Council's requirements and the provider's obligation will be signed as a result of this decision.
8.	Human Resources Advice and Implications
8.1	There are no implications for the Council. The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE), are not applicable as the contract is to be awarded to the incumbent provider.
9.	Implications for Children and Young People and Vulnerable Adults
9.1	The services outlined in this report make a positive contribution in supporting children and vulnerable adults in Rotherham. As the report recommends continuing the services there are no negative implications envisaged.
10.	Equalities and Human Rights Advice and Implications
10.1	The Equalities Analysis undertaken in July 2019 determined that the service will have no detrimental effect on those with protected characteristics.
11.	Implications for CO2 Emissions and Climate Change
11.1	The carbon impact assessment demonstrates that the recommendations in this report will have minimal impact.
12.	Implications for Partners
12.1	The services described in this report have no adverse effect on partners.
13.	Risks and Mitigation

13.1	The successful provider declines the offer of the contract.
13.2	The incumbent provider has indicated their willingness to continue the service should they be successful.
14.	Accountable Officers
	Scott Matthewman, Assistant Director Strategic Commissioning

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