

WIRRAL COUNCIL

CABINET : 14TH NOVEMBER 2007

REPORT OF THE DIRECTOR OF ADULT SOCIAL SERVICES

TENDER FOR AN INDEPENDENT MENTAL CAPACITY ADVOCATE SERVICE

Executive Summary

The Mental Capacity Act 2005 (MCA) requires Councils to commission an Independent Mental Capacity Advocate (IMCA) service. This involves a key decision that was first identified in the Forward Plan dated 1st July 2007. It is proposed that Wirral now tenders for the IMCA service.

1 Background

- 1.1 The MCA sets out a framework for decision making for people who lack mental capacity to do so for themselves.
- 1.2 As part of this, where a mentally incapacitated person has no relative or other person who can be consulted, a referral to an IMCA is required for certain key decisions:
 - Serious medical treatment
 - Long term admission to hospital or residential accommodation
 - Residential care reviews
 - Adult protection plans
- 1.3 The MCA requires the Council to commission an IMCA service on behalf of the health and social care services in its area.
- 1.4 This is to be overseen by a Local Implementation Network representing stakeholders in the wider health and social care economy.

2 Report

- 2.1 DH guidance was expected that would impact on the tender process, however, this was not published in time to be included in a tender for the required implementation date of 1st April 2007.
- 2.2 An interim service was implemented by amendment to an existing service level agreement with a voluntary sector advocacy service.
- 2.3 The DH has released guidance on the service specifications and tender requirements for the IMCA service. These will form the basis of the tender specifications.

2.4 It is proposed to tender for a 3 year service level agreement in line with Departmental policy.

3 Financial Implications

Wirral has been allocated a grant of £50,928 pa by the Department of Health to commission the IMCA service. It is proposed to tender within the grant limits.

4 Staffing Implications

None for this report

5 Equal Opportunities Implications

None for this report

7 Community Safety Implications

None for this report

8 Local Agenda 21 Implications

None for this report

9 Planning Implications

None for this report

10 Anti Poverty Implications

None for this report

11 Social Inclusion Implications

The Independent Mental Capacity Advocates service promotes the inclusion of vulnerable adults who lack capacity to make informed decisions on their own behalf.

12 Local Member Support Implications

The IMCA service will have Wirral –wide impact.

13 Background Papers

- Mental Capacity Act 2005
- The Mental Capacity Act 2005 (Independent Mental Capacity Advocates) (General) Regulations 2006
- The Mental Capacity Act 2005 (Independent Mental Capacity Advocates) (Expansion of Role) Regulations 2006

- Mental Capacity Act Code of Practice
- LAC 2006 (15) The Mental Capacity Act and the Mental Capacity Advocate (IMCA Service)
- Commissioning the IMCA service. Department of Health, Gateway Reference 6716 / Developing a service specification for the provision on an Independent Mental Capacity Advocate Service (IMCA) / Draft Service Specification for the provision of an Independent Mental Capacity Advocate Service / Draft Tender requirements for the provision of an Independent Mental Capacity Advocate IMCA Service.

14 Recommendations

That the tender process for an IMCA service be approved.

JOHN WEBB
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