



Adult Social Care and Public Health (Officer Decision Notice)

7 APRIL 2022

REPORT TITLE:	WIRRAL ADVOCACY HUB
REPORT OF:	LEAD COMMISSIONER, COMMUNITY CARE MARKET

REPORT SUMMARY

The purpose of the report is to seek approval from the Director of Care and Health in respect of the Wirral Advocacy Hub following the undertaking of a procurement exercise.

Provider information is detailed at Appendix 1 (exempt). This information is commercially sensitive and is restricted by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

This matter affects all wards within the Borough as the services cover all residents in Wirral.

This is a key decision.

RECOMMENDATION/S

The Director of Care of Health is recommended to approve the award of the contract for a 3-year term, with two 12-month extension options, for the Wirral Advocacy Hub to Provider A as the highest scoring tenderer (as outlined in the exempt Appendix 1) within the approved budget and in accordance with the Most Economically Advantageous Tender criteria. The allocated budget was £391,000 per year. Provider A submitted a cost of £366,281 per year, which is £24,720 per year under budget; £74,160 over a 3-year contract.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 There were five organisations who fully completed and submitted a bid. The successful organisation has met the acceptable award criteria and is therefore, the most economically advantageous tender.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 To tender out the different advocacy functions in to separate Lots was considered:

- Independent Mental Health Advocacy (IMHA)
- Independent Mental Capacity Advocacy (IMCA)
- Care Act Advocacy (CAA)
- General Advocacy
- Self-Advocacy
- Peer Advocacy

However, reverting back to this type of service delivery was not considered to be the best option for people seeking advocacy support as the current model of the Advocacy Hub has proved to be a successful delivery model for the statutory and non-statutory advocacy service.

- 2.2 The provision of the IMHA, IMCA and CA advocacy services is a statutory requirement, therefore a procurement exercise is essential to ensure the Council meet their statutory duties.

3.0 BACKGROUND INFORMATION

- 3.1 Wirral Council is Lead Commissioner for this service, which provides statutory and non-statutory advocacy support to people over 18 years of age, except for the IMCA and IMHA for people aged 16 years plus, in line with the Mental Capacity Act 2005 and Mental Capacity (Amendment) Act 2019.

- 3.2 The proposed legislative changes to the Deprivation of Liberties (DOL's) to the Liberty Protection Safeguards (LPS) will require a review of the service once those changes have been introduced (see section 5.0)

- 3.3 Prior to 2017, advocacy services in Wirral were provided by a range of different providers. In 2017 the Wirral Advocacy Hub was implemented to coordinate the statutory advocacy roles within the context of a single service infra structure which will deliver a uniform process. This has proved to be a successful delivery model.

3.4 The Advocacy Hub will assist Wirral to achieve the Healthy Wirral objectives, ensuring that citizen involvement is central within a more co-ordinated and integrated care approach to care, support and health needs. Also, the Health and Wellbeing Board’s vision of enabling people to live healthy lives, tackle health inequalities through identifying and supporting vulnerable people to have their views heard and represented and focuses on people’s strengths and capabilities and supports them to develop skills, improve individual’s outcomes and what is important to them.

3.4 A report was presented to Adult Social Care and Public Health Committee on 7 June 2021 where the Committee agreed to a procurement exercise being undertaken for the Wirral Advocacy Hub, detailed above in the summary. The Committee further approved the commencement of the tender process and resolved to authorise the Director of Care and Health to make the award following the conclusion of the tender process.

4.0 FINANCIAL IMPLICATIONS

4.1 Below, is the annual cost and overall cost of the contract for the service:

	Annual	Contract Value 3 years	Contract Value 5 years
Wirral Advocacy Hub Budget	£391,000	£1,173,000	£1,955,000
Provider A Price	£366,280	£1,098,842	£1,831,405

4.2 Funds for the service provision over the lifetime of the contract will be met from existing resources attached to Adult Social Care.

5.0 LEGAL IMPLICATIONS

5.1 The Mental Capacity (Amendment) Act 2019 reforms the Mental Capacity Act 2005 for authorising arrangements enabling the care or treatment of people who lack capacity to consent to the arrangements, which give rise to the deprivation of liberty and introduced proposed changes for the Deprivation of Liberties (DOL’s) which will be replaced with the Liberty Protection Safeguards (LPS). These proposed changes have been delayed since 2020 and anticipated that consultation on the Code of Practice and Regulations will take place in 2022.

- 5.2 The Mental Health Act White Paper is currently passing through parliament and proposes new rights for people with a learning disability or autism to access advocacy if admitted to hospital.
- 5.3 Once LPS is introduced, commissioners will work with the successful provider, and key stakeholders, to ascertain any instrumental impact the changes will have on the service to ensure there is sufficient resource available to meet any change in demand.
- 5.4 The award of contract(s) will be made on the basis of the most economically advantageous tender (MEAT) scoring. The meaning of MEAT is currently governed by the Public Contract Regulations 2015. As criteria for the assessment of tenders on the basis of the best price-quality ratio, MEAT will always predominantly contain a cost or quality element, but the MEAT criteria may also include assessment on the basis of various other criteria linked to the subject-matter of the contract in question, including lifecycle costing and environmental or social aspects. For example, particular award criteria may take into account the inclusion of vulnerable and disadvantaged people, local wealth building, training and educational aspects or the use of non-toxic substances in the production process to deliver the requirement. The Council's Contract Procedure Rules (Standing Orders) set out how contracts are to be awarded by the Council, which will include reference to the Council's Procurement Strategy and Social Value Policy.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 There are no implications arising directly for this exercise.

7.0 RELEVANT RISKS

- 7.1 Contracts would be in breach if the procurement exercise had not gone ahead. The local authority has a statutory duty to provide services to deliver independent statutory advocacy services.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 People who are eligible to access the advocacy services are some of the most vulnerable people in our communities. A large number of people who access advocacy services lack mental capacity and confidentiality of their identity is of upmost importance. As Covid-19 restrictions were still in place, this was a contributing factor to this.

9.0 EQUALITY IMPLICATIONS

- 9.1 Equality implications are embedded into the procurement and tender processes used as part of the application process and are considered when evaluating tender applications. Equalities implications are also part of the decision-making process when an award is made.

Bidders are asked to acknowledge compliance to the Equalities Act 2010 as part of the submission. Method statements include questions on 'support and empower Wirral residents ...', 'address underrepresentation of marginalised, disadvantaged residents that may be difficult to engage with'.

The performance management reporting will include demographic data collection, including protected characteristic groups accessing the service.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 Commissioners will aim to minimise environmental impact through its commissioning process.

11.0 COMMUNITY WEALTH IMPLICATIONS

- 11.1 As a result of the revised service specification, the residents in Wirral will benefit from a range of advocacy support.
- 11.2 The advocacy support is offered as a strength-based service putting people's views, aims and goals at the centre of the service delivery.
- 11.3 The Wirral Advocacy Hub provider service is enhanced through the deployment of local volunteers who bring a variety of skills, knowledge, and experience.
- 11.4 The Wirral Advocacy Hub will offer social work placements and apprenticeships to develop skills leading to undertaking an Advocacy qualification.
- 11.5 Social Value measures were included in the tender process.

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APPENDICES

Appendix 1 – Award of Contract for Wirral Advocacy Hub (EXEMPT)

BACKGROUND PAPERS

Wirral Plan 2021 – 2026

NHS Long Term Plan

Healthy Wirral Plan 2019 – 2024

Keep. Wirral. Well

Mental Capacity (Amendment) Act 2019

Reforming the Mental Health Act White Paper, August 2021, LGA

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Adult Social Care and Public Health Committee	7 June 2021
Executive Member Decision Form	18 October 2016