

ADULT SOCIAL CARE AND PUBLIC HEALTH COMMITTEE**26 NOVEMBER 2024**

REPORT TITLE:	RECOMMISION OF THE ADULT SOCIAL CARE ADVOCACY SERVICE
REPORT OF:	DIRECTOR OF ADULTS, HEALTH, AND STRATEGIC COMMISSIONING

REPORT SUMMARY

This report details the following:

This report describes the co-production activity to procure and award the Adult Social Care Advocacy Service which is due to end on 8 June 2027 after the current contract extension. The report:

- Describes the co-production and co-design work that will be undertaken during the extension period to prepare new specification for a new service, and
- Requests that the award of the contract for the new service (in 2026) is delegated to the Director of Adults, Health, and Strategic Commissioning.

The report supports the following priorities from the Wirral Council Plan:

Theme 3 – Promoting Independence and Healthier Lives

This affects all wards and is a key decision.

RECOMMENDATION/S

The Adult Social Care and Public Health Committee is recommended to:

1. Approve the re-specification and commissioning of a new Adult Social Care Advocacy Service using co-production and co-design processes with people who use the service, their families and supporters.
2. Delegate the carrying out of a procurement process and award of the contract for new service, to start in 2027, to the Director of Adults, Health, and Strategic Commissioning, at an indicative cost of £391,016 per year.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

1.1 The Council has a statutory duty under the Care Act 2014, to provide:

- Independent Mental Capacity Advocacy
- Independent Mental Health Advocacy
- Care Act Advocacy

1.2 The Advocacy Hub will also assist to promote and support non-statutory services that encourage an individual, or group of individuals, to represent themselves, build confidence, resilience, and independence, have their voice heard (where they have a negative experience accessing health and care support services) and to assist them to understand their rights by way of:

- General Advocacy
- Self-Advocacy
- Peer Advocacy

1.3 The commitment to providing services extends to co-producing and co-designing them wherever possible.

1.4 The Council has stated its commissioning intentions in its Market Position Statement to support people in need of advocacy services.

2.0 OTHER OPTIONS CONSIDERED

2.1 Not extending the Contract for Advocacy Services. If the Council did not have a service in place, this may mean that the Council may not meet its statutory duty under the Care Act 2014 to provide independent advocacy services.

3.0 BACKGROUND INFORMATION

3.1 The Mental Capacity Act 2005, states that people will be assumed to have capacity unless it is proved otherwise, and those people must be supported to achieve capacity and are able to make unwise decisions. Decisions made on behalf of the person lacking capacity must be in their best interest and be the least restrictive option.

3.2 Independent Mental Health Advocacy will support qualifying patients to understand the legal provisions to which they are subject to under the Mental Health Act 1983 (as amended) and the rights and safeguards to which they are entitled.

3.3 Under the Care Act 2014, the Council is required to 'promote control by the individual over their care and support and the way in which it is provided'. The Council is also required to provide independent advocacy to support "qualifying residents" through all aspects of assessment/planning process and safeguarding enquiries.

- 3.4 While there is no statutory requirement to provide General Advocacy, Self-Advocacy and Peer Advocacy, the Council seeks to ensure that individuals are given support and for them to be supported and encouraged to become self-advocates and peer advocates, leading to an increase in their independence and a decrease in the reliance on the Advocacy Hub.
- 3.5 The service will be available to the following people (eligibility criteria will apply for the statutory advocacy services):
- Carers
 - Older people (including complex needs)
 - People with dementia
 - People with learning disabilities
 - People with autism
 - People with physical disabilities
 - People with sensory impairments (Blind / visual impaired, Deaf / hearing impaired and Deaf/Blind)
 - People with long term conditions
 - People with mental health needs
 - People with acquired brain injury
 - People with multiple impairments
- 3.6 The new Advocacy Hub will be co-produced with service users, their families and supporters in line with the requirements of the Care Act 2014. The process will use all relevant and appropriate techniques outlined in the Adult Social Care Co-Production Charter and Co-Production Strategy.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The current cost of the service is £366,304 per year. Estimates suggest that by 2027, the costs will have risen to £391,016 per year. This is based on a 2.2% per annum growth model to account for inflationary increases; the actual inflationary impact could differ from this assumed position, causing the estimated costs to decrease or increase, the procurement process will determine the actual costs to be incurred.

5.0 LEGAL IMPLICATIONS

- 5.1 The Council has a duty under the Care Act 2014 to provide a range advocacy services for:
- Independent Mental Capacity Advocacy
 - Independent Mental Health Advocacy
 - Care Act Advocacy
- 5.2 The extension of the contract is undertaken in accordance with The Public Contract Regulations 2015 and the Council's Contract Procedure Rules. The current contract extension option for 2 (1+1) additional years up to 8 June 2026 has been implemented at a cost of £732,608. Future procurement of the service will be completed under the Procurement Act 2023.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no implications for staffing, ICT or Council assets.

7.0 RELEVANT RISKS

7.1 Any risks in relation to customer satisfaction are mitigated as high levels of satisfaction are reported by service users and professionals that make use of the services provided by the Advocacy Hub.

7.2 The provision of General Advocacy, Self-Advocacy and Peer Advocacy service, the Council reduces the of reliance on statutory element of the Advocacy Hub. Individuals will receive support when they require it, but also encouraged to become self-advocates and peer advocates, leading to an increase in their independence. This in turn reduces the risk of long waiting times, further crises and increased costs associated with statutory service provision.

7.3 There is a risk that it will not be possible to commission the service at the current contract value which has been held since 2019, therefore an indicative contract value of £391,016 per year based on 2.2% (compounded) inflation growth per year in costs is anticipated and will be paid for from within existing resources (BCF), subject to the annual budget review process.

8.0 ENGAGEMENT/CONSULTATION

8.1 The existing service considers all the needs, risks and characteristics of a person on an individual basis whenever a referral or request for advocacy is received. The service is designed to respond to individual need and tailors the support and intervention accordingly.

8.2 During the period of contract extension, a new service specification will be co-produced with service users and their families ensuring that the new service meets needs. The new Adult Social Care Advocacy Hub service specification will be co-produced with service users, their families and supporters in line with the requirements of the Care Act 2014. The process will use all relevant and appropriate techniques outlined in the Adult Social Care Co-Production Charter and Co-Production Strategy.

9.0 EQUALITY IMPLICATIONS

9.1 An Equality Impact Assessment has been produced in September 2024 and can be accessed by the following link: <https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessment>

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are no additional environmental and climate implications relating to the new service. However, during its co-design, impact upon the environment will be considered as part of the service delivery and any necessary inclusion will be covered within the service specification.

11.0 COMMUNITY WEALTH IMPLICATIONS

- 11.1 Provision of the Adult Social Care Advocacy Hub provides opportunities for local employment and training in the social care advice and advocacy sector.
- 11.2 The service will be procured to be delivered within the Wirral boundaries and ensure social value for Wirral.

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APPENDICES

N/A

BACKGROUND PAPERS

Wirral Council Plan
Adult Social Care Market Position Statement 2024/25
Adult Social Care Co-Production Charter
Adult Social Care Co-Production Strategy
Mental Health Act 1983
Mental Health Act 2007 (Revised)

TERMS OF REFERENCE

This report is being considered by the Adult Social Care and Public Health Committee in accordance with Section 2.2 a and b of its Terms of Reference, “adult social care matters (e.g., people aged 18 or over with eligible social care needs and their carers)” and “promoting choice and independence in the provision of all adult social care”.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
N/A	