

Committee/Meeting: Cabinet	Date: 13 March 2013	Classification: Unrestricted,	Report No: CAB 84/123
Report of: Corporate Director Isobel Cattermole Originating officer(s) Deborah Cohen, Service Head, Commissioning and Health		Title: New Information, Advice and Advocacy Services Wards Affected: All	

Lead Member	Cllr Abdul Asad
Community Plan Theme	<ul style="list-style-type: none"> • A healthy community • A prosperous community • A safe and supportive community
Strategic Priority	Promoting Independence

1. **SUMMARY**

- 1.1 This report sets out the rationale for and outcome of the recent tender for a new Information, Advice and Advocacy (IAA) service. When in November 2011 the Promoting Independence Strategy was approved by Cabinet, it anticipated the changes resulting from the new Care and Support Bill. Information, Advice and Advocacy services are a central tenet to realise some of the Bill's aims: setting out what support people could expect from local government and what action the government would take to help people plan, prepare and make informed choices about their care.
- 1.2 The new Information, Advice and Advocacy Services will address the fragmented and inequitable nature of much of the current service delivery in the borough, specifically relating to identified gaps such as advocacy provision for older people. The aim is for a more integrated and joined up Information, Advice and Advocacy Services for adults with support needs delivered by a Network, Hub or Consortium.

2. **DECISIONS REQUIRED**

The Mayor in Cabinet is recommended to:-

- 2.1 Approve and award the contract for the Information, Advice and Advocacy services to the REAL who will lead a consortium of specialist providers.

- 2.2 Authorise the Assistant Chief Executive (Legal Services) to enter into all necessary documents to implement the decision at paragraph 2.1 once the standstill period has expired and any objections dealt with .

3. REASONS FOR THE DECISIONS

- 3.1 The new provider(s) as a consortium will be able to ensure joined up integrated service provision ensure organisations will not compete to hold onto clients and work in a more collaborative, person centred way. It also would be a more streamlined service with only one contract instead the current nine, reducing the resources spent on contract management both by providers and the Council and will be value for money as it will be able to support more local people with support needs.
- 3.2 The new contract specifies the requirement for the London Living Wage to be paid and for the provider to provide volunteering opportunities. In carrying out the procurement the Council has worked with TH CVS to facilitate a partnership approach to service delivery. Details of the consultation with the voluntary sector are at para 6.4 of this report.

4. ALTERNATIVE OPTIONS

- 4.1 An alternative option investigated was whether the new Information, Advice and Advocacy service could be delivered in house. However, in order to meet the various specialist service requirements and needs, a commissioned service was better able to address these and to also ensure impartiality.

5. BACKGROUND

- 5.1 The Adults, Health and Wellbeing (AHWB) Directorate has completed tendering for a new Information, Advice and Advocacy services with the aim to commission a more integrated and joined up Information, Advice and Advocacy (IAA) service for adults with support needs delivered by a Network, Hub or Consortium. Similar to the successful LinkAge Plus delivery model, the Network, Hub or Consortium will be led by one Service Provider who as the contract holder will be accountable to the LBTH but will operate as a Network, Hub or Consortium through collaborative working relationships with other providers to offer effective support to all people with support needs in the Borough.
- 5.2 The new IAA services will complement other more specialist commissioned services such as Information, Advice and Advocacy for carers and those delivered under the Mental Capacity Act 2005 – Independent Mental Capacity Advocacy (IMCA) and Deprivation of Liberty Safeguards (DOLS). Officers explored whether the new IAA services could be delivered in house. However, in order to meet the various specialist service requirements and needs, a commissioned service was better able to address these and to also ensure impartiality. Furthermore, officers undertook extensive consultation with current providers and local voluntary sector organisations on the proposed service delivery model.

5.3 The new IAA services are directed at people with support needs in the borough including those with sensory impairments, physical and learning disabilities, autism and living with HIV/AIDS. Good information, advice and advocacy (which provide the right support at the right time) are essential for all adults and their carers who need support in order to know their rights and to live independently. The new service will help people with support needs and carers make informed choices, enable them to take control and help service users and carers to maintain their abilities, skills and independence well into the future.

6. A New Information, Advice and Advocacy Service for People with Support Needs

6.1.1 The AHWB Directorate seeks to maximise the opportunities that the Transforming Adult Social Care agenda brings for people with support needs and for the Council itself. Among other things this means enabling better outcomes for people through maximising independence and minimising long term dependence.

6.1.2 The review of the current information, advice and advocacy provision culminated in a new Information, Advice and Advocacy (IAA) Strategy sitting under the Promoting Independence Strategy¹ approved by Cabinet in November 2011. The emphasis of the new IAA Strategy was on

- promoting choice and control,
- maximising independence,
- effective use of resources by commissioning services that provide value for money, are joined up and seamless, and avoid duplication.

6.1.3 The new IAA strategy recommended moving to a network, hub or consortium approach to ensure joined up integrated service provisions, avoid organisations competing to hold onto clients and work in a more collaborative, person centred way. It also would be a more streamlined service with only one contract instead the current nine, reducing the resources spent on contract management both by providers and the Council.

6.1.4 In May 2011 a steering group was set up with representation from the Strategy and Performance Team, Strategic Commissioning, Public Health, and Third Sector Team to oversee the development of the new service specification. Cross-reference with the new Carers Plan and the new Customer Journey were also ensured. Furthermore, the service specification specifies that the network, hub or consortium will be required to work collaboratively with the voluntary and statutory sector including Idea Stores, HealthWatch and LBTH First Response Team.

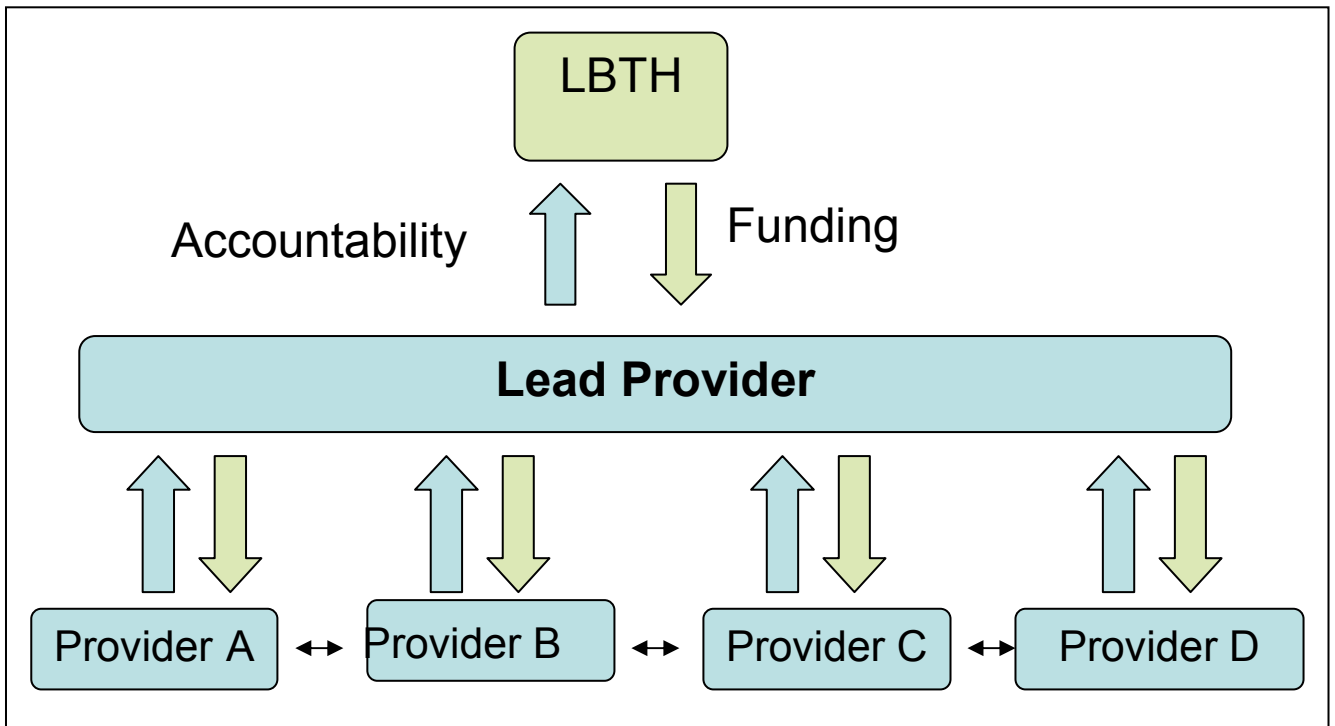
6.2. Proposed Delivery Model

6.2.1 The Information, Advice and Advocacy service will be delivered by one Network, Hub or Consortium with one Lead Provider to be responsible for ensuring safe, high quality non-discriminatory Information, Advice and Advocacy service appropriate to the cultural diversities of Tower Hamlets through:

¹ See <http://www.towerhamlets.gov.uk/default.aspx?page=16535>

- Performance management of the overall budget and contract, and to be the main contact with commissioners.
- Ensuring partner organisations meet the overall service objectives, outcomes and priorities.

Table 1. Lead Provider Model:



6.2.2 By working together the Network, Hub or Consortium is aiming to achieve:

- greater co-ordination of services for users,
- reduction in duplicated services
- efficiencies for commissioning organisations and providers
- increased sharing of best practice
- development of common protocols
- clear and consistent quality standards

6.2.3 The Network, Hub or Consortium will also

- Expand the principles of joined-up working and look to support access to a wide range of Information, Advice and Advocacy services, including health, leisure, volunteering and employment, social care and housing, financial and benefits advice as part of a seamless Service offered to residents with support needs and their carers.
- Coordinate the activities commissioned by the Network, Hub or Consortium to ensure that they form an integrated service network.

- Distribute resources appropriately across the Network, Hub or Consortium
- Build on effective links with local statutory and voluntary organisations and be driven by the needs and aspirations of all people using the service.

6.2.4 The new IAA Services will be tailored to the needs of individuals through a joined up and integrated service network that is accessible and culturally sensitive. Through an outcome based approach - an agreed set of outcomes that encourages a focus on the impact that the Service has and not just the inputs or processes – the prospective service provider(s) would be expected to demonstrate the difference the Information, Advice and Advocacy services has made to the lives of service users and their families.

6.2.5 It is recognised that the Network, Hub or Consortium will not be able to offer everything under one roof nor would it be desirable trying to do so. There is a wealth of experience and expertise in the community which should be promoted and built upon in a more strategic way.

6.3 Summary of Service Requirements

6.3.1 The services will consist of the provision of:

- Information and advice, and
- Advocacy (one to one, crisis, non-instructed advocacy, support self and peer advocacy)²

for adults with support needs and their families/carers within Tower Hamlets including people with sensory impairments, people living with HIV/AIDS, and people with physical and learning disabilities who need help because of their lack of knowledge or experience in accessing information.

6.3.2 The following specialist services will be delivered through the Network, Hub or Consortium:

- ◆ Benefits and welfare information and advice
- ◆ Housing advice and information
- ◆ Legal advice for service users with disabilities
- ◆ Welfare, money management and benefits information and advice
- ◆ Volunteering information and advice
- ◆ Crisis, one to one, group, citizen and self-advocacy

6.3.3 Knowledge of local infrastructure and services available to signpost and refer to other services as required including

- ◆ Healthy living

² **Advocacy is taking action to help people say what they want, secure their rights, represent their interest and obtain services they need, for example, for older people, people with learning disabilities or autism. There are different types of advocacy:**

Short term, issue based or crisis advocacy: When an advocate empowers someone to speak up about a particular issue, or speaks up for them to support them through a crisis.

Self and peer advocacy: When someone speaks and acts for their self to present their case or when the advocate has something in common with the person they are advocating for.

Non-instructed advocacy: Taking affirmative action with or on behalf of someone unable to give a clear indication of their views or wishes in a specific situation. For example, this could be someone with dementia, profound learning disabilities or brain damage.

- ◆ Recreation and leisure activities
- ◆ Employment including supported employment
- ◆ Transport support and information
- ◆ Voluntary organisations
- ◆ Range of services accessed through Adult Health and Wellbeing and accessing information

6.3.5 The service specification states that suitable and accessible premises within the London Borough of Tower Hamlets will be provided which will function as a base and a point of contact. Drop-ins and outreach will complement the accessibility of services delivered from these premises

6.4 Consultation of the Voluntary Sector:

6.4.1 A consultation with current providers took place during the summer of 2011, and with current and potential providers in April 2012 to get feedback on the delivery model, how specialist needs can be met, or what perceived gaps in service provisions have been identified.

6.4.2 One of the main challenges was to ensure that local providers had the capacity to be able to bid for the tender. The Strategic Commissioning Team worked with the TH CVS to facilitate this process which resulted in successful partnerships participating in the tender.

6.5 Tender Process

6.5.1 The tender advertisement went out on 28th August 2012. At the first stage of the tender process, four submissions were received. Of these, three organisations were invited to the next tender stage; out of these two submissions were received. Both were shortlisted to go forward to the interview/presentation stage. New services are expected to commence 1st April 2013 although they may be subject to a transition period.

6.5.2 The tender evaluation was based on a weighting of 50% for quality, 40% for price and 10% for innovation to be demonstrated during the presentation. The recommended tender with the highest score will be able to provide geographical cover across the borough with the use of local hubs and covering all the specialist requirements of the service specification across the required client groups.

6.5.3 The recommended tender with the highest score is REAL, a local IAA provider and one of the incumbent organisations. It has formed a consortium with eight other organisations of which six are current providers: Apasenth, Positive East, Mencap, TH Law Centre, Deaf Plus, AGE UK, and two new providers: Bromley by Bow Centre and the Alzheimer Society.

6.5.4 Together, the consortium will be able to provide geographical cover across the borough with the use of six local hubs and covering all the specialist requirements of the service specification across the required client groups. The consortium has already demonstrated effective partnership working and has the necessary partnership agreements in place. It will provide added value as service users will be

able to access their other services not commissioned by LBTH provided. Value for money will also be achieved by information sharing protocols and pooling of resources.

6.6 Contract Details:

- The contract will be for three years with annual reviews
- Services to commence 1st April 2013 but may be subject to a transition period
- The recommended tender has priced the service at £485,000 pa which is within budget
- The contract stipulates that the London Living Wage be paid
- The delivery model and the service specification require volunteering

7. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 7.1 This report seeks cabinet approval to award the new contract for the Information, Advice and Advocacy services to the recommended new provider leading a consortium of specialist providers as stated in section 2.1 and as detailed in section 6.5.2.
- 7.2 The current arrangements for Information, Advice and Advocacy services costs £487k and is spread across 9 different contracts with 7 different providers.
- 7.3 The new contract will result in a more integrated and joined up service that will be delivered within the existing funding envelope, costing £485k.
- 7.4 The new contract also incorporates the requirement for providers to pay the London Living Wage to staff working on the contract whereas previous arrangements did not have this as an explicit requirement. Thus in real terms, these new arrangements are more efficient and conform to the mayors priorities around London Living Wage.

8. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 8.1 The Council is required to provide a range of community care services to promote the welfare of vulnerable persons aged 18 or over. The duty arises under a number of statutes, including section 47 of the National Health Service and Community Care Act 1990 (the duty to assess needs and provide community care services), Part III of the National Assistance Act 1948, and section 2 of the Chronically Sick and Disabled Persons Act 1970 (provision of residential and non-residential welfare services).
- 8.2 The Council is, in some circumstances, under a statutory obligation to provide information, advice and advocacy services. For example, the Disabled Persons (Services, Consultation and Representation) Act 1986 makes provision for the appointment of authorised representatives for disabled people. Local authorities are

required to make provision for disabled persons or their authorised representatives to make representations before deciding whether a person's needs call for the provision of any statutory services. Where the disabled person or the person's authorised representative is unable to communicate or be communicated with, by reason of any mental or physical incapacity, the Council is to provide such services as are necessary to ensure that the incapacity does not prevent the making of representations. The Mental Capacity Act 2005 also imposes a duty on Councils to make arrangements for independent mental capacity advocates to represent and support persons who lack capacity to make decisions concerning significant welfare issues such as changes in their accommodation, in circumstances where they have no family or friends whom it would be appropriate to consult about those decisions.

- 8.3 The information advocacy and advice service anticipates the possible new duty on local authorities set out in the draft Care and Support Bill. The draft Bill proposes that local authorities establish and maintain a service for providing people with information and advice relating to care and support for adults, and support for carers.
- 8.4 Section 3 of the Local Government Act 1999 requires best value authorities, including the Council, to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness”. The Public Services (Social Values) Act 2013, which came into force on 31st January 2013, requires the Council to consider how the services it commissions and procures might improve the economic, social and environmental well-being of the area. The procurement procedure described above complies with these statutory duties and the Council's procurement procedures and should be open for Cabinet to conclude that the proposed contracts will result in best value having regard to the duty outlined above.
- 8.5 The contracts are for Part B Services and so the full provisions of the Public Contract Regulations 2006 do not apply. However they are still expressly subject to the equality and transparency obligations under the Regulations and there is a requirement to have a fair and transparent process. This report explains how that has been achieved.
- 8.6 When awarding the contract, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't. Information relevant to these considerations is set out in the report.
- 8.7 Once the decision to award is taken the Council will issue the Standstill (also known as Alcatel) letters under Regulation 32 of the Public Contracts Regulations 2006. These letters inform bidders of their score against the award criteria, the winning score and name of the successful bidder
- 8.8 The 2007/66 EU Directive contains a requirement for a mandatory standstill period between notification of the contract award and conclusion of the contract, to allow for an effective challenge to the award decision before the contract is concluded. The basic standstill obligation is set out in Article 2a of the 2007/66 Directive.

8.9 This provides that following a decision to award a contract the contract may not actually be concluded until a certain period of time has elapsed after the contract award decision is notified to those concerned. In the timetable at paragraph 6.7 the anticipated contract date is 13th May 2013 to allow this period to expire. If a challenge is made the contract date may be delayed pending the outcome of the court proceedings

9. ONE TOWER HAMLETS CONSIDERATIONS

9.1 The service specification supports three of the four themes of the Community Plan:

- A healthy community

The Information, Advice and Advocacy (IAA) services will contribute to the healthy community theme by promoting independence and supporting the prevention agenda; it will furthermore, signpost and refer local people with support needs to healthy living and exercise activities and health promotions

- A prosperous community

The IAA service will contribute to the prosperous community theme by providing benefits and welfare advice, money management and debt advice. It will further contribute by requiring the service provider(s) to create opportunities for local employment and volunteering.

- A safe and supportive community

The IAA services will contribute to the safe and supportive community theme by promoting peer support and volunteering and ensuring that services are safe to use for service users

9.2 It is sought to remove or minimise disadvantages suffered by people due to their protected characteristics through promotion of services in different formats and languages, outreach and drop ins to reach underrepresented groups and monitoring of equality and diversity.

9.3 Due regard is given to taking steps to meet the needs of people from protected groups where these are different from the needs of other people. The Service ensures that it offers a range of services to meet the needs of a wide range of clients ranging from those with learning disabilities, physical disabilities and long term conditions such as living with HIV/AIDS. Special focus is given to providing services to the diverse faith and ethnic communities in Tower Hamlets through culturally appropriate best practice, a diverse workforce reflecting the community they service and a range of language skills.

9.4 Due regard is given to encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low through volunteering, and engagement in shaping services and decision that affect their own lives, such as involvement in user groups and steering groups.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 10.1 There are no immediate sustainability or environmental issues to consider. The prospective service provider(s), as an organisation within the borough, would be required to comply with all national and local legislation regarding energy conservation, recycling etc. Services will be provided locally and using an outreach or surgery approach to reach local people. If local organisations or national organisations with a local branch would be contracted, many of their staff would be local too, thereby reducing commuting

11. RISK MANAGEMENT IMPLICATIONS

- 11.1 A detailed service specification will be negotiated and appropriate monitoring arrangements maintained to minimise risk of underperformance of these services. The service agreement will contain appropriate dispute, claw-back, liability and termination clauses.

12. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 12.1 There are no immediate Crime and Disorder reduction implications.

13. EFFICIENCY STATEMENT

- 13.1 As approved by Cabinet on 7th November 2011, there will be non-cashable savings around the quality of the service: the service will be delivered in more efficient ways by enabling more people to use it and seeks to close identified gaps in current provision. Commissioning an integrated Information, Advice and Advocacy Service with only one contract will save resources in terms of contract management as the monitoring and performance management of the partner organisations will be undertaken by the Lead Service provider.
- 13.2 The new information, advice and advocacy network, hub or consortium will be able to support a wider group of individuals with support needs and thus will provide more for our money. This particular delivery model of a Lead Provider working with a network, hub or consortia to deliver an integrated service would provide more for less and would be better value for money with a better quality service.

14. APPENDICES

Appendix 1 – Information, Advice and Advocacy Service Specification

Brief description of "background papers"

Name and telephone number of holder
and address where open to inspection.

None

N/A