



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
SOCIAL CARE, HEALTH & WELL-BEING CABINET BOARD
5th September 2019**

Report of the Head of Adult Services – A. Thomas

Matter for Decision

Wards Affected: All wards

Procurement of Advocacy Service for Adults

Purpose of the Report:

To obtain Member approval to undertake a procurement exercise for the provision of an advocacy service for adults.

Executive Summary:

This report sets out a proposal to undertake a procurement exercise in order to appoint an experienced provider to deliver an advocacy service for adults.

Background:

Neath Port Talbot County Borough Council (“the Council”) purchase advocacy services from an external provider in order to help discharge the Councils statutory duties under Part 10 of the Social Services and Wellbeing (Wales) Act 2014 Code of Practice (Advocacy).

Over the last 18 months, officers have undertaken a review of the advocacy provision to adults in the Neath Port Talbot area, to ensure that the Council is sufficiently positioned to meet its statutory duties with regards to advocacy. As part of this review, the Council made use of the Welsh Government supported Golden Thread Advocacy Programme, led by Age Cymru, to map existing services available in the area.

Intelligence from the above exercise was utilised to remodel adult advocacy services purchased by the Council in order to further strengthen the Council's response to its statutory duties. This new model went live in April 2019 and will be reviewed in September 2019. Any learning from the September review will be built into the service model and contract for future years.

The new model is a pan-disability service for adults that provides independent professional advocacy (IPA) and advocacy support for parents of looked after children.

Historically, the Council has entered into one year contracts for the provision of adult advocacy services. Under the Council's Contract Procedure Rules (CPR's) the Head of Adult services had delegated authority to directly enter into this contract.

Entering into one year contracts can be problematic for small and third sector organisations, as the lack of certainty around future funding can impact on their ability to recruit staff and can inhibit service development.

In light of the above, it is recommended that the Council enters into a longer term contract with a suitably experienced provider to deliver advocacy services to adults. The ability to enter into a contract for two years, with an option to extend the contract for up to a further 24 months, will help ensure more sustainable services.

Due to the value of the proposed contract, under the Council's CPR's, there is a requirement for officers to undertake a procurement exercise in order to award the contract.

Financial Impacts:

It is not possible to indicate the financial impact of this proposal until the service has been tendered and the Council has evaluated the bids.

The maximum value of the contract will be set at the current cost of delivering adult advocacy services, as such there will be no negative impact on the Councils budget. In addition, the procurement process will ensure that the Council contracts with a provider who is able to offer best value for money.

Integrated Impact Assessment:

A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016.

The first stage assessment (Appendix 1) has indicated that a more in-depth assessment is not required. A summary is included below.

Although the service to be procured is likely to be provided to people with a protected characteristic, people will see no reduction in the availability of services and there will be no change to type of service that is delivered. As such, overall this proposal will have a low impact on people with a protected characteristic.

Entering into a longer contract period supports sustainability and has a positive impact on the "5 ways of working".

Valleys Communities Impacts:

No impact – the recommendation has no spatial impact on our valleys communities and does not link to the impacts identified in the Cabinet’s response to the Council’s Task and Finish Group’s recommendations on the Valleys.

Workforce Impacts:

No impact

Legal Impacts:

The procurement of advocacy services supports the Council in meeting its statutory requirements for the provision of advocacy services as set out in Part 10 of the Social Services and Wellbeing (Wales) Act 2014. The relevant Code of Practice states that:

“Local authorities must arrange for the provision of an independent professional advocate when a person can only overcome the barrier(s) to participate fully in the assessment, care and support planning, review and safeguarding processes with assistance from an appropriate individual, but there is no appropriate individual available”.

Under the Public Contract Regulations 2015, the Council is obliged to act in an open, fair and transparent manner. This includes ensuring that contract opportunities for social care and health services in excess of £615,278 are advertised to reach a wide market in order to encourage as much competition as is possible.

The cost of the advocacy service is below the threshold of undertaking a competitive tender in the Official Journal of the European Union (OJEU). However, the Council is still subject to the general obligations of transparency, equal treatment, non-discrimination and proportionality that derive from the EU Treaty when the contract is of 'cross border interest'.

What these principles imply in practice is that the contract should be transparently awarded in a non-discriminatory way. The simplest way to demonstrate compliance is by undertaking a procurement exercise compliant with the principles outlined above.

In addition, the Council must comply with its own internal CPR's. Rule 2.1 provides that where the value of the contract is over £50,000 a competitive tender process shall be undertaken.

Risk Management Impacts:

No impact.

Consultation:

There is no requirement for external consultation on this item.

Recommendations:

That agreement is given for:

- a. The Head of Adult Services to undertake a procurement exercise to commission an advocacy service for adults;
- b. Following the procurement process, for the Head Adult Services to be granted delegated authority to enter into a contract with the bidder evaluated as offering the most economically advantageous tender (taking into account the quality and cost of the bids), for the provision of an advocacy service for adults.

Reasons for Proposed Decision:

Undertaking a procurement exercise for the delivery of an advocacy service will ensure that the Council is best placed to meet its statutory requirements under Part 10 of the Social Services and Wellbeing (Wales) Act 2014 Code of Practice (Advocacy).

Furthermore, undertaking a procurement exercise helps the Council in meeting its general obligations that derive from the The Functioning of the European Union (TFEU) by implementing a process that transparently awards a contract in a non-discriminatory way. Additionally, a procurement process will ensure that the Council complies with its internal Contract Procedure Rules (CPR's).

Entering into a contract with a provider for a period of two years, with an option to extend for up to a period of a further 24 months, gives more certainty to providers and helps service sustainability.

Implementation of Decision:

The decision is proposed for implementation after the three day call in period.

Appendices:

Appendix 1: Integrated Impact Assessment

List of Background Papers:

None

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Impact Assessment - First Stage

1. Details of the initiative

Initiative description and summary: Procurement of Advocacy Services for Adults.
Service Area: Adult Social Services
Directorate: Social Services Health and Housing

2. Does the initiative affect:

	Yes	No
Service users	x	
Staff		x
Wider community		x
Internal administrative process only		x

3. Does the initiative impact on people because of their:

	Yes	No	None/ Negligible	Don't Know	Impact H/M/L	Reasons for your decision (including evidence)/How might it impact?
Age	x				L	The advocacy service will be delivered to adults. Parents of looked after children requiring advocacy support are more likely to be in the 18-55 age range.

						<p>The provision of Independent Professional Advocacy (IPA), which is part of the service model to be commissioned, helps people to overcome barriers to participating fully in the assessment, care and support planning, review and safeguarding processes. As such procuring an IPA service will have a positive impact on people with protected characteristics as their individual needs, including age, will be considered in the in the assessment, care and support planning, review and safeguarding processes.</p> <p>Advocacy support for parents of looked after children who intend to make an appeal or appeals under the Act in relation to their looked after children will have a positive impact on people with protected characteristics as it will help parents to overcome barriers in taking part in the appeal process.</p> <p>People will see no reduction in the availability of services and there will be no change to the type of service that is delivered. As such, overall this proposal will have a low impact on people with a protected characteristic.</p>
Disability	x				L	<p>The nature of the service means that it is highly likely that people requiring an advocacy service will have a disability.</p> <p>The provision of IPA, which is part of the service model to be commissioned, helps people to overcome barriers</p>

						<p>to participating fully in the assessment, care and support planning, review and safeguarding processes. As such procuring an IPA service will have a positive impact on people with protected characteristics as their individual needs, including age, will be considered in the in the assessment, care and support planning, review and safeguarding processes.</p> <p>Advocacy support for parents of looked after children who intend to make an appeal or appeals under the Act in relation to their looked after children will have a positive impact on people with protected characteristics as it will help parents to overcome barriers in taking part in the appeal process.</p> <p>People will see no reduction in the availability of services and there will be no change to the type of service that is delivered. As such, overall this proposal will have a low impact on people with a protected characteristic.</p>
Gender Reassignment	X				L	<p>Gender reassignment in itself is unlikely to result in a requirement for the advocacy service</p> <p>The provision of IPA helps people to overcome barriers to participating fully in the assessment, care and support planning, review and safeguarding processes. As such procuring an IPA service will have a positive impact on people with protected characteristics as their individual needs, including gender identity, will be considered in</p>

						<p>the in the assessment, care and support planning, review and safeguarding processes.</p> <p>Advocacy support for parents of looked after children who intend to make an appeal or appeals under the Act in relation to their looked after children will have a positive impact on people with protected characteristics as it will help parents to overcome barriers in taking part in the appeal process.</p> <p>People will see no reduction in the availability of services and there will be no change to the type of service that is delivered. As such, overall this proposal will have a low impact on people with a protected characteristic.</p>
Marriage/Civil Partnership	X				L	<p>Marriage/Civil Partnership in itself is unlikely to result in a requirement for the IPA service. However, it may be that there is a higher number of people requiring advocacy support for parents of looked after children that may have a protected characteristic by virtue of their marriage/civil partnership.</p> <p>The provision of IPA helps people to overcome barriers to participating fully in the assessment, care and support planning, review and safeguarding processes. As such procuring an IPA service will have a positive impact on people with protected characteristics as their individual needs, including marriage/civil partnership, will be considered in the in the assessment, care and support planning, review and safeguarding processes</p>

						<p>Advocacy support for parents of looked after children who intend to make an appeal or appeals under the Act in relation to their looked after children will have a positive impact on people with protected characteristics as it will help parents to overcome barriers in taking part in the appeal process.</p> <p>People will see no reduction in the availability of services and there will be no change to the type of service that is delivered. As such, overall this proposal will have a low impact on people with a protected characteristic.</p>
Pregnancy/Maternity	X				L	<p>Pregnancy/maternity in itself is unlikely to result in a requirement for the IPA service. The service model includes advocacy support for parents of looked after children. As such there is potential that this proposal will have an impact on people by virtue of their pregnancy/maternity status.</p> <p>The provision of IPA helps people to overcome barriers to participating fully in the assessment, care and support planning, review and safeguarding processes. As such procuring an IPA service will have a positive impact on people with protected characteristics as their individual needs, pregnancy/maternity, will be considered in the in the assessment, care and support planning, review and safeguarding processes.</p>

						<p>Advocacy support for parents of looked after children who intend to make an appeal or appeals under the Act in relation to their looked after children will have a positive impact on people with protected characteristics as it will help parents to overcome barriers in taking part in the appeal process.</p> <p>People will see no reduction in the availability of services and there will be no change to the type of service that is delivered. As such, overall this proposal will have a low impact on people with a protected characteristic.</p>
Race	X				L	<p>Race in itself is unlikely to result in a requirement for the advocacy service</p> <p>The provision of IPA helps people to overcome barriers to participating fully in the assessment, care and support planning, review and safeguarding processes. As such procuring an IPA service will have a positive impact on people with protected characteristics as their individual needs, including race, will be considered in the assessment, care and support planning, review and safeguarding processes.</p> <p>Advocacy support for parents of looked after children who intend to make an appeal or appeals under the Act in relation to their looked after children will have a positive impact on people with protected characteristics as it will help parents to overcome barriers in taking part in the appeal process.</p>

						<p>People will see no reduction in the availability of services and there will be no change to the type of service that is delivered. As such, overall this proposal will have a low impact on people with a protected characteristic.</p>
Religion/Belief	x				L	<p>Religion/belief in itself is unlikely to result in a requirement for the advocacy service.</p> <p>The provision of IPA helps people to overcome barriers to participating fully in the assessment, care and support planning, review and safeguarding processes. As such procuring an IPA service will have a positive impact on people with protected characteristics as their individual needs, including religion/belief, will be considered in the in the assessment, care and support planning, review and safeguarding processes.</p> <p>Advocacy support for parents of looked after children who intend to make an appeal or appeals under the Act in relation to their looked after children will have a positive impact on people with protected characteristics as it will help parents to overcome barriers in taking part in the appeal process.</p> <p>People will see no reduction in the availability of services and there will be no change to the type of service that is delivered. As such, overall this proposal will have a low impact on people with a protected characteristic.</p>

Sex	x				L	<p>Sex in itself is unlikely to result in a requirement for the IPA service. The service model includes advocacy support for parents of looked after children. As such there is potential that this proposal will have an impact on people by virtue of their sex as there may be a higher number of females that require this service.</p> <p>The provision of IPA helps people to overcome barriers to participating fully in the assessment, care and support planning, review and safeguarding processes. As such procuring an IPA service will have a positive impact on people with protected characteristics as their individual needs, including sex, will be considered in the in the assessment, care and support planning, review and safeguarding processes.</p> <p>Advocacy support for parents of looked after children who intend to make an appeal or appeals under the Act in relation to their looked after children will have a positive impact on people with protected characteristics as it will help parents to overcome barriers in taking part in the appeal process.</p> <p>People will see no reduction in the availability of services and there will be no change to type of service that is delivered. As such, overall this proposal will have a low impact on people with a protected characteristic.</p>
Sexual orientation	X				L	<p>Sexual orientation in itself is unlikely to result in a requirement for the advocacy service.</p>

						<p>The provision of IPA helps people to overcome barriers to participating fully in the assessment, care and support planning, review and safeguarding processes. As such procuring an IPA service will have a positive impact on people with protected characteristics as their individual needs, including sexual orientation, will be considered in the in the assessment, care and support planning, review and safeguarding processes.</p> <p>Advocacy support for parents of looked after children who intend to make an appeal or appeals under the Act in relation to their looked after children will have a positive impact on people with protected characteristics as it will help parents to overcome barriers in taking part in the appeal process.</p> <p>People will see no reduction in the availability of services and there will be no change to the type of service that is delivered. As such, overall this proposal will have a low impact on people with a protected characteristic.</p>
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4. Does the initiative impact on:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence used) / How might it impact?
People's opportunities to use the Welsh language		x			L	There will be a contractual requirement to deliver the service in the person's first language of choice.

Treating the Welsh language no less favourably than English		x			L	There will be a contractual requirement to deliver the service in the person's first language of choice.
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5. Does the initiative impact on biodiversity:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence) / How might it impact?
To maintain and enhance biodiversity		x				Not applicable
To promote the resilience of ecosystems, i.e. supporting protection of the wider environment, such as air quality, flood alleviation, etc.		x				Not applicable

6. Does the initiative embrace the sustainable development principle (5 ways of working):

	Yes	No	Details
Long term - how the initiative supports the long term well-being of people	x		IPA services ensures that people are able to be equal partners in the assessment, care and support planning, review and safeguarding process. As such, people will receive interventions that are person centred and promote their long term well-being.
Integration - how the initiative impacts upon our wellbeing objectives	x		Advocacy supports the Council's wellbeing objective of: To Improve the Well-being of all adults who live in the county borough "Everyone participates fully in community life – socially and economically" As it enables people to participate in their assessment, care and support planning, review and safeguarding process.
Involvement - how people have been involved in developing the initiative	x		IPA services ensures that people are able to be equal partners in the assessment, care and support planning, review and safeguarding process.
Collaboration - how we have worked with other services/organisations to find shared sustainable solutions	x		Commissioning of advocacy services will involve the Council working in partnership with the provider to discharge its duties under Part 10 of the Social Services and Wellbeing (Wales) Act 2014 Code of Practice (Advocacy).
Prevention - how the initiative will prevent problems occurring or getting worse	x		IPA services ensures that people are able to be equal partners in the assessment, care and support planning, review and safeguarding processes. As such people will receive interventions that are person centred and can identify problems at an earlier stage to prevent them from getting worse.

7. Declaration - based on above assessment (tick as appropriate):

A full impact assessment (second stage) is not required	x
Reasons for this conclusion	
<p>Although the service to be procured is likely to be provided to people with a protected characteristic, people will see no reduction in the availability of services and there will be no change to type of service that is delivered. As such, overall this proposal will have a natural impact on people with a protected characteristic.</p> <p>Entering into a longer contract period supports sustainability and has a positive impact on the “5 ways of working”.</p>	

A full impact assessment (second stage) is required	
Reasons for this conclusion	

	Name	Position	Signature	Date
Completed by	Chelé Zandra Howard	PO Commissioning	C.Z.Howard	31.05.19
Signed off by	Angela Thomas	Head of Service	A. Thomas	31.05.19