

DERBYSHIRE COUNTY COUNCIL

CABINET

26 May 2015

Report of the Strategic Director for Adult Care

INDEPENDENT ADVOCACY FRAMEWORK AGREEMENT

ADULT SOCIAL CARE

1. Purpose of Report

To seek approval to undertake a procurement exercise to establish a multi-supplier framework agreement for the provision of independent advocacy services.

2. Information and Analysis

The Care Act 2014 requires local authorities to change their approach from primarily providing services to promoting people's individual wellbeing. In order for this change to happen, the Act strengthens the voice of people and their carers throughout the care system – from assessment, support planning and review processes, through to safeguarding enquiries or appeals.

At certain times, however, some people may struggle to be fully involved in important decisions about their lives and will need support. It is essential that they have access to independent advocates to assist with this. The Act, for the first time, places a duty on local authorities to make sure that independent advocacy services are available for those who have substantial difficulty or are unable to participate in, or understand, the assessments and care planning process and they have no-one appropriate to represent them.

2.1 Independent Advocacy

The Care Act regulations for independent advocacy are clear: providers of advocacy must be independent of the local authority, with their own constitution, code of practice and complaints procedure. Advocates under the Care Act will be

managed by, and primarily accountable to, the advocacy organisation which recruits and employs them, thereby maintaining their independence from the local authority.

2.2 Training

It is expected that all independent advocates under the Act should work towards the National Qualification in Independent Advocacy (City & Guilds, level 3) within a year of being appointed and achieve it in a reasonable amount of time thereafter.

2.3 Prisoners

From April 2015 local authorities will also be responsible for assessing and meeting the social care needs of adult prisoners (not just on discharge from prison but also while in custody). All prisoners will be treated as if they are resident in that area for the purposes of the Care Act and for as long as they reside in that prison. Prisoners will be entitled to the support of an independent advocate in the same circumstances as people in the community.

2.4 Current Advocacy Services

Currently, there are a range of providers of advocacy services in Derbyshire; these services tend to be in receipt of grants from the Council and the local NHS. Their provision is often focused on individual service user groups, for instance providing services for older people, people with a learning disability, and people with a physical disability.

It is proposed to procure a multi-supplier framework agreement for the provision of independent advocacy to enable the Council to purchase services on behalf of clients from a broad list of providers. Providers, including those the Council currently contracts with, will be required to tender and meet certain criteria to be awarded a contract to be on the multi-supplier framework.

The multi-supplier framework agreement will establish agreements with providers which set out terms and conditions under which specific purchases (call-offs) can be made for independent advocacy, which can be used when required throughout the term of the contract. There will be no obligation on the Council to buy anything through this multi-supplier framework agreement, which means that the Council is not tied to the framework and can use it where it provides value for money and the requisite standard of support, but go elsewhere if required.

Once the tender is completed and the framework established, then the Council's Brokerage Service will be able to advise clients and or their representatives of the independent advocacy services which operate in their locality. It will also be possible to identify which providers may or not have experience that is relevant to their circumstances for instance supporting people with mental ill

health, or assisting people in prison.

It is proposed that the framework agreement term is for a period of two years with annual options for the Council to extend for up to two further periods of twelve months. There will be no restriction on the number of providers who can be on the framework provided they meet the minimum required standards as set out in the tender documentation. It is considered that this mechanism provides the largest marketplace possible from which clients of adult care can select their preferred independent advocate. Individuals will then be able to purchase services directly via their personal budgets.

3. Financial Considerations

The projected spend for the provision of Independent Advocacy using the multi-supplier framework will be up to £0.728m over the four years of the contract.

This will be funded partially from within existing budgets and partially from additional funding available for the implementation of the Care Act 2014.

4. Legal Considerations

The procurement will be subject to the light touch regime rules set out in Regulations 74 to 77 of the Public Contracts Regulations 2015.

5. Equality and Diversity Considerations

The use of the framework agreement for the provision of independent advocacy will promote dignity, choice, respect and inclusion. The procurement process and service specifications will be used to assess and monitor the values and practices of providers in relation to equality and diversity.

6. Other Considerations

In preparing this report the relevance of the following factors has been considered: human resources, health, environmental, transport, and crime and disorder considerations.

7. Key Decision

No

8. Is it necessary to waive the call-in period?

No

9. Officer's Recommendation

That Cabinet approves the procurement exercise to establish a multi-supplier framework agreement for the provision of independent advocacy services.

Mary McElvaney
Strategic Director – Adult Care