

Recommissioning Advocacy Services

REPORT TO Corporate Director of Health and Adult Services (HAS) in consultation with Executive Member for Adult Services and Health Integration and the Executive Member for Public Health, Prevention and Supported Housing, including Sustainability and Transformation Plans.

DECISION DATE 13th August 2021

SUPPORTING ANNEX This report includes a supporting Annex which contains exempt information as described in paragraphs 1, 3 and 5 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

PROPOSED RECOMMENDATION It is recommended that HASEX approve a key decision to proceed with the procurement process for the adults' advocacy service as a joint procurement process alongside NHS Complaints and children's advocacy.

BACKGROUND TO SUPPORT THE RECOMMENDATION

There are currently three main independent advocacy services that are commissioned by NYCC; adults' advocacy, NHS Complaints advocacy and children's advocacy. These contracts allow NYCC to fulfil their statutory roles as set out in a range of legislation including Care Act (2014) and Mental Capacity Amendment Act (2019). The current contracts are county-wide and come to an end in March 2022. It is proposed that a single procurement process is undertaken for all three services, with organisations being able to respond to one or more of the services as appropriate. This will allow Health and Adult Services, Children and Young People's Services and Central Services directorates to continue to meet their statutory obligations for a suggested minimum of 3 years, with the option for two additional 2-year extensions.

The adults' service is currently provided by Total Advocacy (originally a partnership arrangement that now only contains Cloverleaf Advocacy). The current service covers the following types of advocacy:

- Care Act Advocacy
- Independent Mental Capacity Advocacy (IMCA)
- Relevant Person's Representative (RPR)
- Independent Mental Health Advocacy (IMHA)
- Non-Statutory Advocacy

Advocacy services for adults navigating the health and social care 'system' are an essential service funded by NYCC and the NHS. This is not only set out in legislation as a requirement, but is proven locally to help citizens receive improved outcomes by making sure they understand and can participate in decisions relating to their lives.

The contract for the existing adults advocacy service is funded jointly between NYCC and the NHS Clinical Commissioning Group's covering North Yorkshire. Details of this

funding can be found in Annex 1 - Gateway 1 report. Discussion between funding stakeholders and reviewing monitoring information have shown that the existing service provides good value for money. It is proposed that the procurement process is undertaken on the basis of the same financial envelope as the current service, plus annual inflation uplifts. As set out below, it is likely that there will be a need to increase the budget for the service during the lifetime of this contract, and therefore this has been raised as an issue for future information and planning.

Due to legislation change that will implement Liberty Protection Safeguards from 2022, it is anticipated that there will be a significant increase in IMCA referrals due to:

- the inclusion of 16 and 17 year olds in eligibility
- improved professional understanding of the requirement for advocates
- the role of a 'Rule 1.2 representative' (a different type of advocacy not currently part of this contract) being dissolved and replaced by more complex IMCA referrals

The details of this increased activity are difficult to predict as central government are still to release further information about the code of practice for Liberty Protection Safeguards. It has therefore been acknowledged that this will continue to be a risk that may require additional future budget into the service, and has been flagged as such. No other significant risks have been identified for proceeding with the recommended procurement.

There are no significant changes anticipated to the types of services that are provided as part of this contract, as most of the functions are set out in legislation. An engagement exercise is being undertaken to understand the views of a wide range of stakeholders on the advocacy service. Although much of the feedback to date is positive, the feedback will be used to help shape the future service specification where improvements can be made.

Further detailed information about this procurement can be found in Annex 1 – Gateway 1 report.

LEGAL AND GOVERNANCE COMPLIANCE

Procurement and Legal and Democratic Services have been consulted on this procurement process. Sufficient lead in time has been given in this procurement for a new service to be established without impacting on service delivery.

RECOMMENDATION

It is recommended that HASEX approve a key decision to proceed with the procurement process for the adults' advocacy service as a joint procurement process alongside NHS Complaints and children's advocacy.

REPORT AUTHOR Jonathan Prince

DATE 4th August 2021