

Meeting: Cabinet
Date: 13th January 2025
Classification: Part 1
Key Decision: Yes
Title of Report: **All-Age Advocacy Contract Award 2025**

Executive Director: Mark Harvey Executive Director Adults & Communities
Report Author: Jess Siggins, Lead Commissioner
Executive Councillor: Councillor Maxine Sadza Portfolio Holder Social Care and Healthier Communities
Councillor Laurie Burton, Portfolio Holder for Children, Young People and SEND

1. Executive Summary

- 1.1. Local Authorities have a statutory responsibility for the commissioning/provision of Advocacy Services for their local authority area. Advocacy can be defined as taking action to help people say what they want, secure their rights, represent their interests and obtain services they need. In this case, Advocates and Advocacy schemes work in partnership with the people they support and take their side independent of the Council. Advocacy promotes social inclusion, equality and social justice.
- 1.2. The current advocacy contracts with South Essex Advocacy Services (SEAS) and the National Youth Advocacy Service (NYAS) are due to expire on 31st March 2025 and a new service/s will be required. These contracts cost the Council £285k in 2023-2024.
- 1.3. A tender process has been completed to award a contract for a new All Age Advocacy services in January 2025 to start from 1st April 2025.
- 1.4. The tender was split into lots, Lot 1 (Adults Advocacy Service) and Lot 2 (Children's Advocacy Service). This allows tenderers to bid for sole delivery of one service by bidding for either Lot 1 or Lot 2, or to bid for provision of both services (Lot 1 and Lot 2).

2. Recommendations

that Cabinet:

- 2.1. Approve the procurement of a contract for the provision of a Children's Advocacy service at a maximum budget of £71,000 per annum starting from 1st April 2025, for 3 years with option to extend for a further 2 years.

- 2.2. Awards the All-Age Advocacy services contract to the successful tenderer/s of Lot 1 and Lot 2 at a maximum total value of £293,948 per annum from the 1st April 2025 for an initial period of three years with an option to extend for a further period of two years. Details of the tender award will be attached prior to 13th January Cabinet following completion of the procurement exercise as a part 2 (restricted) item.
- 2.3. Delegates authority to the Executive Director for Adults and Communities and Executive Director Children & Public Health in consultation with the respective Portfolio Holders, to issue extensions to this contract following its award. Such authority includes finalising any negotiations and entering into legal agreement for service provision from 1 April 2028 to 31st March 2030 (if necessary) until a subsequent contract is procured/awarded.

3. Background

- 3.1. Local Authorities are required to commission statutory Advocacy services for individuals, which include the following (from relevant legislation):
 1. Care Act Advocacy, Care Act 2014
 2. Independent Mental Capacity Advocacy (IMCA), Mental Capacity Act 2005
 3. Independent Mental Health Advocacy (IMHA), Mental Health Act 1983 (as amended by the Mental Health Act 2007)
 4. Paid Relevant Person's Representative (Paid RPR) Mental Capacity Act 2005 (Deprivation of Liberty Safeguards)
 5. NHS Complaints Advocacy, Health and Social Care Act 2012
 6. Children's Advocacy, Children Act 1989, Children and Families Act 2014
- 3.2. South Essex Advocacy Services (SEAS) were awarded the contract for the delivery of the Adult Advocacy service on 1st April 2019 and is due to expire on 31st March 2025. This service covers items 1-5, as well as some non-statutory advocacy, the current contract value is £222,948 per annum.
- 3.3. The contract for Children's Advocacy was awarded to National Youth Advocacy Service (NYAS) on 1st April 2021 and is due to expire on 31st March 2025. This service covers item 6, which includes children's advocates and independent visitors, the current contract price is £46,000 per annum. The service is not able to meet statutory demand at this price, last year additional capacity was spot purchased, which amounted to a total spend on the service of £61,928. Following engagement and review of the advocacy services in Southend, the budget for children's advocacy has been slightly increased to account for an increase in statutory demand on the service. For this reason, and to meet future statutory demand, the total budget for the Children's advocacy service purposes of procurement has been increased to £71,000 per annum.

- 3.4. A review of both services, as well as consultation with stakeholders and residents (see point 11) have informed the development of the new all-age advocacy service specification.
- July-October 2024 – Research, review, engagement, service design and options appraisal sign off.
 - 23rd October 2024 – Tender Advert Placed on Contracts Finder (.gov.uk)
 - 22nd November 2024 – Deadline for Tender Submissions
 - 22nd November to 30th December – Tender Scoring, Evaluation and Moderation
 - January 2025 – Cabinet key decision for award, provider notification, standstill period.
 - January to April 2025 – Service mobilisation.
 - 1st April 2025 – New service in place.
- 3.5. The tender was split into lots, Lot 1 (Adults Advocacy Service) and Lot 2 (Children’s Advocacy Service). This allows tenderers to bid for sole delivery of one service by bidding for either Lot 1 or Lot 2, or to bid for provision of both services (Lot 1 and Lot 2).

4. Reasons for Decisions

- 4.1. As the current contracts are expiring, there is a need to ensure continuity of statutory provision. This will be fulfilled by a standard competitive tender exercise. This is therefore a key decision as the contract value is over £250k.
- 4.2. The current Children’s Advocacy provider, NYAS, has expressed that they are not willing to provide the Children’s Advocacy service in 2025/26.

5. Other Options

- 5.1. **Do Nothing** - This is not recommended as these statutory services will need to be replaced with some level of provision to meet minimum requirements.
- 5.2. **Do Not Award** - If we do not put in place this service, the Council will not meet its statutory duties.

6. Financial Implications

- 6.1. The combined contract value, for both services is a maximum of £293,948 per annum or £1,469,740 over 5 years. The contract will be awarded to the best quality and value tender following evaluation of tender submissions and moderation of scoring.
- 6.2. This expenditure can be met within the existing services budget

7. Legal Implications

- 7.1. The Council are required to commission statutory advocacy services under legislation referred to in 8.1 below. If the Council does not commission these services, the Council will not meet its statutory duty, potentially leaving

vulnerable people at risk and may be challenged by an affected service user for the breach.

- 7.2. Under clause 3.4 of the Adult Advocacy Service contract it is clearly stated that “the Expiry Date shall in no event be a date after 31st March 2025”.
- 7.3. Under clause 3.3 of the Children’s Advocacy Service terms and conditions the contract may be extended for a further 12 months from 1st April 2025, however it was recognised that with the marked increase in Children’s statutory demand the budget required review, and the option to go out for an All-Age Advocacy Service (for Adults and Children in separate Lots) offered the Council an opportunity to achieve better value through use of commissioning and procurement resource (rather than run two separate exercises) and a service provided by one provider (if they had been successful in bidding for both lots).
- 7.4. The Council must procure in the services in accordance with the Public Contract Regulations 2015 (or if, in force the Procurement Act 2023) and the Council’s Contract Procedure Rules. The Council must also procure the services in a way that meets its Best Value Duty.

8. Policy Context

- 8.1. The statutory Advocacy requirements are relevant to key pieces of legislation such as the Care Act 2014, Mental Health Act 1983 as amended in 2007 & Mental Health Act Code of Practice 1983 (Revised 2015), Mental Capacity Act 2005, Children Act 1989, Children (Leaving Care) Act 2000, Working Together to Safeguard Children 2023, Children’s Social Care National Framework 2023

9. Carbon Impact

- 9.1. No changes are being proposed to the current contract so there will be no implications in relation to carbon impact.

10. Equalities

- 10.1. The purpose of the Advocacy service is to be independent of the Council and to empower vulnerable residents and reduce inequity. Monitoring of impact is informed by service engagement is built in contract management and will continue to be used to adapt and shape service delivery moving forwards

11. Consultation

- 11.1. Service user feedback is collated to understand how residents feel about their service, a review of this feedback illustrates that the services are well received.
- 11.2. A survey regarding the advocacy offer was published on Your Say Southend and circulated through both incumbent providers. This feedback has informed the service specification. Statutory legislation and guidance sets out the requirements for advocacy, and the prime focus of this tender will be to meet these statutory requirements.

11.3. Stakeholders from Adult Social Care, Children's Social Care and the VCS were consulted to understand their views of the current service offer and what could be improved.

12. Appendices

N/A

13. Report Authorisation

This report has been approved for publication by:		
	Name:	Date:
Executive Director(s)	Mark Harvey	22/11/2024
S151 Officer	Joe Chesterton	26/11/2024
Monitoring Officer	Susan Zeiss	25/11/2024
Relevant Cabinet Member(s)	Cllr M Sadza	08/11/2024