

Forward Plan reference number: N/A

Report title: New Countywide Independent Advocacy Service – Contract Award	
Report to: Nick Presmeg, Executive Director, Adult Social Care	
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Date: February 2024	For: Decision
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County Divisions affected: All Essex	

1 Everyone's Essex

- 1.1 Everyone's Essex sets out the strategic aim of health, wellbeing, and independence for all ages. Our ambition is that we help people to live healthy, happy and full lives, with the ability to fulfil their potential irrespective of any vulnerability by being supported to actively take part in decision-making and have their voices heard.
- 1.2 There will always be people who will find this difficult to do on their own. In such cases, it is important that we are able to ensure they get the support they need. Essex County Council (ECC)'s Advocacy Service ensures that people's views are heard and understood when decisions are being made that impact upon their life. It also ensures their rights are upheld as they navigate through the health and social care systems.
- 1.3 The purpose of this paper is now, following the completion of a procurement exercise, to identify a provider to deliver a countywide independent Advocacy service, for both statutory and non-statutory Advocacy, to seek approval to award the contracts to the preferred bidder. It is expected that this decision will have no climate implications.
- 1.4 As well as supporting the Everyone's Essex ambitions stated above, it will help level up the county by ensuring that people's views are heard, to ensure the support they receive helps them to achieve their outcomes and enjoy the benefits of living in Essex.

2 Recommendations

- 2.1. Agree to award a contract to deliver the Independent Advocacy Service to VoiceAbility Advocacy (registered charity) for an initial five (5) year term (1 July 2024 – 30 June 2029) with an option to extend for a further two years, following the completion of the procurement process.

3. Background and Proposal

- 3.1 ECC has a statutory duty to provide an independently led Advocacy Service across adult, children, mental health, and health services. This support is provided to some of the most vulnerable people in Essex.
- 3.2 Advocacy services enable individuals, usually a vulnerable child or adult, to understand and communicate their choices or express their views on issues and participate in making decisions which affect their life, care, or treatment. This ensures that their rights are upheld.
- 3.3 On 10 October 2023, the Cabinet authorised the procurement of a new Countywide Independent Advocacy Service (**FP/195/08/23**), due to commence on 1 July 2024.
- 3.4 The current Advocacy Service contract was issued in 2018 and was extended for one year until June 2024 in line with the original terms of the contract. ECC has now completed the procurement of a new service to commence on 1 July 2024.
- 3.5 The agreed model for the new contract will have a lead provider which has access to other specialist Advocacy providers (where required), thus maximising the opportunity to achieve good outcomes for all. This model will centralise the management of Advocacy referrals, deliver a consistent triage service with clear pathways, and have flexibility to adapt to the needs of the population.
- 3.6 Commissioning the service in this way will continue to ensure that it reflects the views of people with lived experience who have called for a better understanding of Advocacy, greater accessibility, a more visible service, and access to specialist advocates.
- 3.7 An open single stage procurement for both statutory and non-statutory services was undertaken in compliance with the Light Touch Regime of the Public Contracts Regulations 2015 for the procurement of a countywide Independent Advocacy Service for five years with the option to extend for another two years.
- 3.8 This new service will utilise a block arrangement, consisting of the winning provider's overheads and 80% of the predicted demand based on the tendered marginal price per hour of advocacy support delivered. Any referrals received beyond this 80% demand figure will be paid at the tendered marginal hourly rate for each additional hour of support delivered. The block approach is designed to protect ECC from up to 20% lower levels of demand and allows ECC to flexibly deal with any demand increase.
- 3.9 There was a risk identified during the tender process concerning the Paid Relevant Personal Representative (RPR) statutory element of the Advocacy Service. ECC has invested in additional resource to support the undertaking of DoLS assessments to clear the current backlog in assessments. This has resulted in an increase in the number of RPR assessments that need to be carried out by the Advocacy Service.

- 3.10 The Council advertised this procurement opportunity via ‘Find A Tender Service’ (FTS), Contracts Finder and on the authority’s opportunities listings website on 21/11/2023. Thereafter, a single-stage, open tender process was conducted via the Council’s e-sourcing portal within the published timescales.
- 3.11 Five (5) submissions were received and evaluated.
- 3.12 The tender submissions were evaluated by the evaluation panel in accordance with the published criteria. This panel included representation from both children’s and adults’ operational staff and individuals with lived experience of accessing an Advocacy Service. The aim of this approach was to gain feedback on the perspective of persons with lived experience as to the proposals which would be beneficial to recipients of the service and any potential issues which may not be readily apparent to the Council’s commercial and commissioning officers.
- 3.13 The evaluation was conducted in line with the criteria set out within the tender documentation of 30% price and 70% quality (10% of the qualitative weighting was ascribed to the evaluation of social value). The consensus scores of the candidates’ qualitative and social value responses were combined with the results of their responses to the pricing schedule in order to gain an overall total weighted score for each provider.
- 3.14 This first stage of the tender evaluation process consisted of reviewing the candidates’ responses to ECC’s Standard Selection Questionnaire (SSQ). This included, but was not limited to, verification that the bidders comply with the minimum standards and mandatory and discretionary rejection criteria, such as financial appraisals and legislative and insurance requirements, alongside a consideration of the bidders’ social value proposals.
- 3.15 One of the candidate’s submissions did not include a pricing matrix and so was disqualified from the procurement at that stage.
- 3.16 The second stage of the evaluation process involved the evaluation of the candidates’ responses to the Technical and Commercial questions within the Invitation to Tender (ITT).
- 3.17 The high-level evaluation criteria for this ITT were as follows:
- Commercial response (price) – 30% weighting
 - Technical response (quality) – 70% weighting (including 10% which assesses social value)
- 3.18 The consensus scores of the candidates’ qualitative and social value submissions were combined with the results of their responses to the pricing schedule in order to gain an overall total weighted score for each bidder. This evaluation process established the following results:
- 3.19 Four (4) compliant responses were received for this lot and the results of the evaluation were as follows:

Provider	Qualitative score (weighted) Max 60	Pricing (weighted) Max 30	Social Value (weighted) Max 10	Overall score (%)
Provider 1	36.50%	30.00%	2.40%	68.90%
Provider 2	36.00%	27.40%	4.80%	68.20%
Provider 3	34.50%	29.10%	6.40%	70%
Provider 4(VoiceAbility Advocacy)	48.00%	29.80%	6.00%	83.80%

3.20 On the basis of the results of this evaluation, it is recommended that the following provider is awarded a contract to deliver this service:

- VoiceAbility Advocacy (a registered charity)

4. Links to our Strategic Ambitions

4.1 The new service aligns with ECC's organisational strategy in that it:

- Helps people prosper by increasing their skills.
- Helps keep vulnerable children safer and enable them to fulfil their potential.
- Enable more vulnerable adults to live independent of social care.
- Improve the health of people in the county of Essex.

4.2 The report links to the following aims in the Essex Vision:

- Enjoy life into old age.
- Provide an equal foundation for every child.
- Strengthen communities through participation.
- Connect us to each other and the world.

4.3 Approving the recommendations in this report will have a neutral impact on the Council's ambition to be net carbon neutral by 2030.

5 Options

5.1 Option 1: Award the contract

5.1.1 It is recommended that the contract for Independent Advocacy Services is awarded to Voicability Advocacy. This provider achieved the highest overall weighted score, fulfilling the evaluation criteria for this procurement and securing at least the minimum scores in relation to the qualitative questions to satisfy the evaluators that they can fulfil the Council's requirements in relation to the published specification.

5.2 Option 2: Do not award the contract

- 5.2.1 This option is not recommended as the current Advocacy Service contract will expire on the 30 June 2024 with no further options to extend. ECC has a statutory duty to provide independent Advocacy services to its citizens.

6 Issues for Consideration

6.1 Financial implications

- 6.1.1 Bids were received at a fixed price across the life of the five-year contract 1 July 2024 – 30 June 2029, as well as the two-year extension to the 30 June 2031, and thus there is no uplift during the contractual period. The total value for the contract is £5.3m as per Table 1, based on the 5-year contract starting from 1 July 2024. The two-year extension of £2.3m would be subject to further governance, if enacted.
- 6.1.2 Table 1 sets out the cost of the five-year contract award accounting for demographic growth. Inflation has already been captured within the bid price and therefore no increase in cost is expected outside of demand increases from that assumed in the tender.

Table 1

£000s	Part year					Part year	
Financial year	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	Total
Bid price	754	992	1,031	1,085	1,122	283	5,268
Budget/MTRS Assumption	938	1,276	1,302	1,328	1,354	345	6,544
Variance	(184)	(284)	(270)	(243)	(232)	(63)	(1,276)

- 6.1.3 The contract will be paid via a block payment and a marginal rate for additional demand as detailed in paragraph 3.8. The smaller block payment with the addition of a marginal rate provides flexibility that protects the Council from a level of demand lower than 80% of the predicted demand, while enabling ECC to flexibly deal with any demand increases.
- 6.1.4 The risk identified during the tender process regarding the volume of RPR assessments could lead to an increase in demand from that set out in the tender and would therefore impact the cost of the contract. This will be closely monitored, and any pressure flagged via the budgetary control process.
- 6.1.5 As shown in Table 1, there is a difference between the bid price and the funding assumed in the Medium-Term Resource Strategy (MTRS) for financial planning purposes. Therefore, demand and the cost of the contract will be closely monitored, and any savings materialising will be identified and addressed as part of the MTRS cycle and the budgetary control process.
- 6.1.6 Table 2 sets out the funding position for the contract life, based on bid price.

Table 2

£000s	Part year					Part year	
Breakdown of funding	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	Total
ECC	320	413	452	506	543	138	2,373
ICB MOU	82	109	109	109	109	27	545
DHSC Grant	353	470	470	470	470	118	2,350
Total	754	992	1,031	1,085	1,122	283	5,268

- 6.1.7 The contract is part-funded by the Local Reform and Community Voices grant received from the Department for Health and Social Care (DHSC) to the value of £470,000 per annum. The value of this grant has remained static for the past three years and planning assumptions are that it will continue at this rate for future years.
- 6.1.8 There is also an assumed contribution of £109,000 per annum from Suffolk and North-East Essex Integrated Commissioning Board (ICB), Hertfordshire and West Essex ICB and Mid and South Essex ICB. Although health partners have contributed at this level for over ten (10) years, agreement has not yet been reached for future years so there is an inherent risk that the funding is not in place for this contract, or that it does not continue at the same level. If this risk materialises, alternative sources of funding would need to be determined and a separate decision taken. This would, however, impact the ability to deliver any savings identified in the contract cost (as per paragraph 6.1.5).
- 6.1.9 There is a risk that new legislation that may change the scope of The Council's responsibilities for providing statutory Advocacy services may emerge during the life of this contract. If this occurs, further governance will be sought, at that time, to ensure the Council complies with its statutory duties.
- 6.1.10 The new contract is subject to TUPE arrangements, which would be a matter for the incumbent and new provider.

6.2 Legal Implications

- 6.2.1 The procurement of the Independent Advocacy Service was undertaken in accordance with the decision taken by Cabinet, the Public Contracts Regulations 2015 and the process and criteria published with the procurement documents.

7 Equality and Diversity Considerations

- 7.1 The Public Sector Equality Duty applies to ECC when it makes decisions. The duty requires us to have regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.

- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

- 7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 7.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

8 List of Appendices

Equality Comprehensive Impact Assessment Reference

9 List of Background Papers

2023-10-10 New Countywide Independent Advocacy Service – Cabinet Paper (FP/195/08/23)

I approve the recommendations set out above for the reasons set out in the report.	Date
Nick Presmeg, Executive Director for Adult Social Care	12.03.2024

In consultation with:

Role	Date
Cllr Spence, Cabinet Member for Health and Social Care	25.03.24
Executive Director, Corporate Services (S151 Officer) Laura Davis-Hughes on behalf of Nicole Wood	20.3.24
ELS engaged in the preparation of this report	20.03.24