

## Notice of KEY Executive Decision

<b>Subject Heading:</b>	Permission to procure a Community & Statutory Advocacy Service.
<b>Decision Maker:</b>	Councillor Gillian Ford, Cabinet for Health and Adult Care Services
<b>Cabinet Member:</b>	Councillor Gillian Ford, Cabinet for Health and Adult Care Services
<b>ELT Lead:</b>	Barbara Nicholls, Strategic Director of People
<b>Report Author and contact details:</b>	Faith Nare <a href="mailto:faith.nare@havering.gov.uk">faith.nare@havering.gov.uk</a>
<b>Policy context:</b>	Section 67 of the Care Act 2014 imposes a duty on local authorities to arrange for an independent advocate to be available to represent and support certain persons for the purpose of facilitating those persons' involvement in the exercise of functions by local authorities.
<b>Financial summary:</b>	Total Cost for 5 years + 2 years Contract: £1,647,429.34.  Year 1 - £215,000.00 Year 2 - £221,450.00 Year 3 - £228,093.50 Year 4 - £234,936.30 Year 5 - £241,984.39 Year 6 - £249,243.92 Year 7 – £256,721.23
<b>Reason decision is Key</b>	Yes (a) Expenditure or saving (including anticipated income) of £500,000 or more
<b>Date notice given of intended decision:</b>	19 February 2025

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<b>Relevant Overview &amp; Scrutiny Committee:</b>	People's Overview and Scrutiny Sub Committee
<b>Is it an urgent decision?</b>	No
<b>Is this decision exempt from being called-in?</b>	No

**The subject matter of this report deals with the following Council Objectives**

People - Supporting our residents to stay safe and well **X**

Place - A great place to live, work and enjoy

Resources - Enabling a resident-focused and resilient Council

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### Part A – Report seeking decision

#### **DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION**

This decision paper is seeking permission to procure a Community & Statutory Advocacy Service. The contract will run from the 1st April 2026 to 31st March 2031 with the option to extend for a further 2 years at a total value of £1,647,429.34. Officers intend to undertake an open tender to appoint a provider to deliver the Community & Statutory Advocacy Service.

#### **AUTHORITY UNDER WHICH DECISION IS MADE**

The Havering Constitution:

Part 3: Responsibility for Functions, Article 2 – Executive Functions

Each Cabinet Member, as appropriate, may be delegated one or more of the following functions, within the portfolio allocated to him or her by the Leader. If a Cabinet Member is unable to act, the Leader may act on his or her behalf, or may authorise another Cabinet Member to do so. Matters delegated to individual Cabinet Members under this section give them individual decision making powers. Where any paragraph refers to 'in conjunction with' or 'in consultation with' the decision remains that of the Cabinet Member.

3.8 - To approve the commencement of the tender process, to award contracts, agree extensions of contract terms where the value of such matter is between £1,000,000 and £2,000,000 subject to consultation with the Strategic Director of Resources. (Note: Pension Committee has powers to invite tenders and award contracts for investment matters within their terms of reference).

#### **STATEMENT OF THE REASONS FOR THE DECISION**

The Statutory Advocacy Service provided by MIND Havering ends on the 31st March 2026.

This paper is seeking a permission to procure a Community & Statutory Advocacy Service. The contract will run from the 1st April 2026 to 31st March 2031 with the option to extend for a further 2 years at a total value of £1,647,429.34.

The Council has a duty, when undertaking procurements, to ensure it is transparent, treating providers equally and any decision/action is proportionate. We are proposing an open tender with bids will be evaluated 70/30 for price and quality.

#### **Background**

The London Borough of Havering commissions Mind in Havering, Barking & Dagenham to provide statutory advocacy services, covering the Care Act (2014), Mental Capacity Act (2005), Mental Health Act (2007), and NHS Complaints Advocacy. This service ensures that individuals with substantial difficulties in navigating health and social care processes receive independent advocacy.

The advocacy service supports individuals across various categories, including physical disabilities, mental health conditions, dementia, sensory impairments, and acquired brain injuries. The contract aligns with key legal obligations, ensuring statutory compliance with:

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- Independent Mental Capacity Advocacy (IMCA) – Supports individuals lacking capacity who have no close family or friends to advocate for them.
- Independent Mental Health Advocacy (IMHA) – Assists patients detained under specific sections of the Mental Health Act.
- NHS Complaints Advocacy – Provides independent support for people making NHS-related complaints.
- Independent Care Act Advocacy (ICAA) – Ensures representation in care and support assessments, planning, and safeguarding processes.

The service operates borough-wide, working closely with social care professionals, voluntary sector providers, and health partners to ensure awareness and accessibility ensuring effective advocacy is provided to all residents who have genuine difficulty in articulating their needs and negotiating their goals in respect of the care and support they receive.

### **Trends and Concerns / Issues**

Across all advocacy types, there were common concerns about the lack of police involvement in s42 mental health cases, delays from internal IT regarding the advocacy inbox, and the impact of staff sickness and annual leave on service delivery. The improved communication and collaboration with referring teams and the positive impact of staff returns on team morale suggest that the service is making strides in addressing these challenges. However, the recurring issues of verbal abuse from client families and the need for volunteer support for administrative tasks highlight the ongoing pressures faced by the advocacy service.

The recurring themes of referral patterns, complex cases, and the need for better coordination and resources underscore the importance of continuous improvement and targeted interventions to address the diverse needs of the community. This further highlights the areas where the service is performing well and the opportunities for further enhancement to ensure timely and effective advocacy support for all individuals.

### **Contract Review Findings**

The review has highlighted several critical areas that require attention, including staffing challenges, local provider engagement, referral and assessment processes, service scope expansion, stakeholder collaboration, performance monitoring, and financial considerations.

Key recommendations include the implementation of a robust recruitment and retention strategy to address staffing issues, the benefits of engaging a local service provider to reduce costs and improve accessibility, and the need for streamlined referral and assessment processes to enhance efficiency. Additionally, expanding the scope of services to include Community Advocacy and increasing the number of advocates will help meet the growing demand for support.

Strengthening collaboration with key stakeholders through regular meetings and training sessions, implementing performance monitoring and evaluation mechanisms, and ensuring value for money through regular financial reviews are also essential components of the future planning strategy.

### **Conclusion**

The contract review has identified a critical opportunity to enhance the current Statutory Advocacy service for Havering's residents. To ensure long term sustainability, service compliance and enhanced service quality, it is recommended that the London Borough of Havering undertakes a full re procurement exercise while leveraging the workforce enhancements which could be implemented under the current contract. This approach will ensure that the advocacy services remains cost effective accessible and responsive to the evolving needs.

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While the enhanced workforce capacity under the current contract could address immediate operational challenges. A full structured re-procurement exercise in 2026 would:

- Ensure Market Competitiveness: testing the marking ensures that the best provider is selected based on capability, cost effectiveness and efficiency
- Sustain workforce improvements embedding higher staffing levels and enhanced training requirements in the new contract will create long term workforce stability
- Enhance Service innovation: Encouraging new providers to propose innovative service delivery models such as digital advocacy tools, community based outreach will drive continuous improvements
- Strengthen financial viability: a competitive procurement process will ensure that the most economically advantageous tender (MEAT) is selected, balancing quality and cost.
- Allow for refinement of service specification based on data insights from the current model
- Help to provide a well-defined contract with performance based incentives to ensure cost effectiveness and improved advocacy outcomes

## **OTHER OPTIONS CONSIDERED AND REJECTED**

### *Option 1 - Do nothing*

There is the option to do nothing and stop providing Statutory Advocacy Service when the contract ends on the 31<sup>st</sup> March 2026. This option is not advised as Section 67 of the Care Act 2014 imposes a duty on local authorities to arrange for an independent advocate to be available to represent and support certain persons for the purpose of facilitating those persons' involvement in the exercise of functions by local authorities.

## **PRE-DECISION CONSULTATION**

None

## **NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Faith Nare

Designation: Commissioner Live Well

Signature: *F. Nare*

Date: 12/03/2025

## **Part B - Assessment of implications and risks**

### **LEGAL IMPLICATIONS AND RISKS**

The Council has a general power of competence under section 1 of the Localism Act 2011 to do anything an individual may generally do subject to any statutory limitations. The Council has the power under this section to agree to the proposals in the recommendations.

The Council has a statutory duty to provide an independent advocate for residents in certain situations under s67 of the Care Act 2014. Procurement of this service is in compliance with the Council's duty.

The value of the proposed framework is £1,647,429.34 over 7 years which is above the threshold for light touch services. Therefore, any procurement activity must comply with the Procurement Act 2023. Officers intend to undertake an open procurement which is in compliance with Section 20(2)(a) of the Procurement Act 2023.

The proposed open tender is compliant with the requirements of both the Procurement Act 2023 and the Council's Contracts Procedure Rules for contracts of this nature.

### **FINANCIAL IMPLICATIONS AND RISKS**

This paper is seeking a permission to procure a Community & Statutory Advocacy Service. The contract will run from the 1st April 2026 to 31st March 2031 with the option to extend for a further 2 years at a total estimated value of £1,647,429.34.

The estimated annual costs of the contract are broken down below:

Year 1 - £215,000.00  
Year 2 - £221,450.00  
Year 3 - £228,093.50  
Year 4 - £234,936.30  
Year 5 - £241,984.39  
Year 6 - £249,243.92  
Year 7 – £256,721.23

The current contract advocacy contract costs £156,857 per annum. This contract is currently funded from general fund and from the Better Care Fund. The shortfall of £58,143 will be funded from the decision to not re-commission another contract which is currently costing £84,850 per annum. This contract is due to end on 31st March 2026 so the funding will be available to fund the increase from 1st April 2026.

The annual increases in costs proposed under the new contract will need to be covered by any annual inflationary growth bids.

A request has been by made by finance to review the service specification alongside the KPIs before going out to tender to ensure this contract is value for money. Due to this being unavailable, no assurance can be given on the value for money of the contract at this time.

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### **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

The recommendations made in this report do not give rise to any identifiable Human Resources implications or risks.

### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

Havering has a diverse community made up of many different groups and individuals. The council values diversity and believes it essential to understand and include the different contributions, perspectives and experience that people from different backgrounds bring.

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the council, when exercising its functions, to have due regard to:

- I. the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- II. the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- III. Foster good relations between those who have protected characteristics and those who do not.

Note: 'protected characteristics' are: age, gender, race and disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An EqHIA (Equality and Health Impact Assessment) is usually carried out and on this occasion this isn't required.

The Council seeks to ensure equality, inclusion, and dignity for all in all situations.

There are not equalities and social inclusion implications and risks associated with this decision.

### **HEALTH AND WELLBEING IMPLICATIONS AND RISKS**

The recommendations made in this report do not give rise to any identifiable Health and Wellbeing implications or risks.

### **ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

The recommendations made in this report do not give rise to any Environmental or Climate Change implications or risks.

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**BACKGROUND PAPERS**

None

**APPENDICES**

None



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**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Proposal agreed

*Delete as applicable*

Proposal NOT agreed because

**Details of decision maker**

Signed

Name:

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date:

**Lodging this notice**

The signed decision notice must be delivered to Committee Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_