

Meeting	Cabinet Resources Committee
Date	27 September 2012
Subject	Barnet Centre for Independent Living – Extension of contract to deliver a Peer Support Brokerage service (previously branded Advantage Agent Service)
Report of Summary	Cabinet Member for Adults This report seeks authority to extend the contract with Barnet Centre for Independent Living to provide Peer Support Brokerage services to bring the contract in line with the recommissioning timetable for User Controlled Information, Advice and Advocacy services

Officer Contributors	Rachel Williamson, Adult Social Care and Health
Status (public or exempt)	Public
Wards Affected	N/A
Key Decision	No
Reason for urgency / exemption from call-in	N/A
Function of	Executive
Enclosures	Appendix – Equality Analysis; Information, Advice, Advocacy and Brokerage Services
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1 RECOMMENDATIONS

- 1.1 That the Committee authorise a waiver of Contract Procedure Rules to allow the contract with Barnet Centre for Independent Living, for delivery of a Peer Support Brokerage service (previously branded as Advantage Agent Service) to be extended from 31 December 2012 until 31 March 2014

2 RELEVANT PREVIOUS DECISIONS

- 2.1 Cabinet Resources Committee, 22 July 2008 (Decision item 11) - approved changes to voluntary sector commissioning arrangements.
- 2.2 Cabinet Resources Committee, 8 December 2009 (Decision item 7) - approved the strategic document 'Looking after Yourself – a prevention framework for Barnet' as the basis for the commissioning of preventative services by Adult Social Services.
- 2.3 Cabinet Resources Committee, 13 January 2011 (Decision item 11) - approved a waiver of paragraph 5.6.2 of the Contract Procedure Rules to allow the entry into interim funding agreements for prevention services commissioned by the Council's Adult Social Services subject to a maximum duration of two years.
- 2.4 Cabinet Member for Adults Delegated Powers Report No1209, 17 November 2010 – waived Contract Procedure Rules to authorise Barnet Centre for Independent Living as a single source supplier for the Advantage Agent service.
- 2.5 Director Adult Social Care and Health Delegated Powers Report No 1313, 4 April 2011 – authorised the entry into contract with the Barnet Centre for Independent Living to provide the Advantage Agent service between April 2011 and December 2012 at a cost of £341,564.
- 2.6 Cabinet Resources Committee, 28 July 2011, (Decision item10)- waived Contract Procedure Rules to authorise the commissioning of Barnet Centre for Independent Living to provide information, advice and advocacy services for a maximum period of two years.

3 CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 Better services with less money- Barnet have taken up the recent opportunity to bid for an additional year of funding for the Right to Control trailblazer. A decision on allocation of funding will be made by Parliament and is expected in November 2012. The 'Right to Control' brings together assessment, planning and review processes for seven funding streams and promotes independence for adults with care and support needs in the Borough.. Right to Control is a partnership project between the Council, local offices of the Job Centre Plus and the Barnet Centre for Independent Living. It consequently embodies the 'One Barnet approach'. It introduces a more efficient business model, which may deliver cashable efficiencies. The service focuses support around the customer to achieve a better customer experience and better value for money through commissioning services differently and through service transformation.

The service contributes to managing resources and assets effectively and sustainably across the public sector

- 3.2 Sharing opportunities and sharing responsibilities- The service together with the User Controlled Information, Advice and Advocacy service supports the implementation of the 'My Support, My Choice' vision for personalisation in Adult Social Care and Health by developing a market place which is able to respond to people self-directing their support through a personal budget and by increasing the control disabled people have over the support they receive from the state. The service will allow for increasing use of social capital to reduce providers' dependency on Council funding for example through effective deployment of volunteering and by enabling service users to set up sustainable peer support groups
- 3.3 New relationship with citizens- Barnet Centre for Independent Living is a User Led Organisation able to take forward the new relationship through its role as a hub provider of a range of core support for disabled people, including peer support, support planning and brokerage that demonstrate user influence and delivers user controlled services.

4 RISK MANAGEMENT ISSUES

- 4.1 The opportunity to become a Right to Control trailblazer site was hotly contested nationally. One of the key requirements of successful bids was evidence that disabled people, and user-led organisations, were partners in the bidding process and would be central to the development and delivery of the new Right. The success of Barnet's partnership bid was, in part, dependent upon our close working with Barnet Centre for Independent Living (BCIL). A key element of this was the proposal that they run a peer mentoring and support brokerage service, entitled the 'Advantage Agent' service initially and subsequently and currently the 'Peer Support Brokerage service'.
- 4.2 In bidding for the Right to Control monies, a commitment was made on behalf of the Council that the Advantage Agent service would be delivered by Barnet Centre for Independent Living. The bid for additional funding was considered on the basis of evaluation of the current arrangements for independent support planning and brokerage and the co—production that has taken place between BCIL and the other Right to Control partners. Office for Disability Issues (ODI) recognised that BCIL Peer Support Brokers offer customers real choice and control over how their support is planned, by giving them the option to be supported by brokers who have lived experience of disability and are independent of the council/ JobCentrePlus (JCP). Over 150 customers have benefited from this service over the past year.
- 4.3 BCIL has already been commissioned by the Council to provide User Controlled Information, Advice and Advocacy services ("IAA"). It is highly desirable that IAA and brokerage services are provided within a single integrated service in order to enable flexible use of resources to meet future needs. The Council with CommUNITY Barnet and the voluntary sector have actively supported development of BCIL, leading to its constitution as a community interest company in Autumn 2010 so that the borough has a cross client group User Led Organisation.

- 4.4 Good quality IAA and brokerage delivered through a user-led organisation are a core part of specialist provision for people with disabilities, frailties or other long-term conditions, and a key element in maximising take-up of the Right to Control and use of personal budgets by people eligible to receive funding for social care and support. Ready access to timely IAA services also enables people with low and medium-level needs to stay independent, preventing escalation of needs and dependencies
- 4.5 Commissioning the provision under aligned arrangements with BCIL is recommended in order to mitigate risks arising from the budgetary reduction approved by Cabinet in February 2011. It offers potential efficiencies of scale by reducing overhead costs and mitigating risks of duplication and/or gaps between services that would occur if the reduced budget were spread across several smaller contracts. It also offers efficiencies in contract management for the Council.
- 4.6 There is a risk that extending the contract for Peer Support Brokerage services with BCIL could result in challenge(s) being brought against the council. The risk is assessed as being low in view of the specialist nature of the relevant services.
- 4.7 At the same time, there are significant risks if the Council proceeds directly to competitive procurement before it has sufficiently tested the Peer Support Brokerage model. The limited term of the extension would provide sufficient time for BCIL to continue to pilot the services and for the Council to review its performance, refine or reshape the service specification and complete a competitive procurement to let a new contract on expiry of the contract with BCIL. This extension period will focus on;
- Develop the “best practice” elements of our model that really make a difference to disabled people;
 - Building a robust evidence base to inform local and national roll-out; and
 - Embedding the approach so that it is sustainable in the long term and consistent across service areas.
- 4.8 The risk that the recommended contract with BCIL by way of an extension to 31 March 2014 would not offer best value for money would be mitigated by the following intended actions:
- The Council’s requirements for the services will be re-specified to define the objectives and deliverables to be achieved over the period of the contract.
 - For example, in 2012-13 there will be contract variation to
 - move to a cost and volume contract- to provide an incentive for Care Services Delivery and BCIL to deliver target numbers of support plans
 - BCIL to provide Direct Payment advice- to improve the customer journey and trial independent Direct Payment advice models
 - To include a Payment by Results method of payment (e.g. 10%)- to provide an incentive for BCIL to deliver target number of support plans. To trial personalised models of brokerage based on disaggregated funding as found elsewhere in the market

- The contract is outcomes focused with well-defined indicators of success and include clear and enforceable accountabilities for performance and provision for unconditional early termination.
- The contract will be for a limited period (December 2012- March 2014), with competitive procurement being undertaken in 2013.

5 EQUALITIES AND DIVERSITY ISSUES

- 5.1 The Equality Act 2010 came into force on 5 April 2011. Pursuant to section 149 of the Act, the council has a public sector obligation to have due regard to eliminating unlawful discrimination, advancing equality and fostering good relations in the contexts of age, disability, gender reassignment, pregnancy and maternity, religion or belief and sexual orientation.
- 5.2 The provision of user-led information, advice and advocacy and brokerage services strengthens the ability of disabled people to control their lives as they become better informed and supported to make their voice heard. Improving access to information and inter-personal support will increase individuals' ability to exercise choice. Consequently, the commissioning is intended to have a very positive equalities impact. Initial equality impact assessment of the proposed pilot service model and implementation arrangements have been completed and circulated as part of the 28 July 2011 Cabinet Resource Committee paper. The assessment at this stage indicates a positive effect overall and will be updated in the light of the outcomes achieved during the first year of operation (monitoring is occurring quarterly and re-evaluation due April 2013).
- 5.3 Having one contract for a pan-disability service will ensure that there is fair access to support across all groups including carers, and that needs can be matched efficiently with resources.
- 5.4 The Council's Equalities policy will inform evaluation of providers' proposals. The contract for the new services will include explicit requirements fully covering the Council's duties under equalities legislation.
- 5.5 The contract will require providers to have a high standard of equitable behaviours. This includes compliance with Equal Opportunities Legislation, operating an equal opportunities policy, observing Codes of Practice issued by the Commission for Equality and Human Rights, and giving appropriate consideration to each customer's race, nationality, cultural or ethnic background, marital status, age, gender, religion, sexual orientation and disabilities.

6 USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

6.1 Finance Implications

- 6.1.1 The contract value for the contract extension for the period 31st December 2012 – 31st March 2014 is £205,000. The annual value of the contract is £164,000

6.1.2 Barnet have replied to the Office of Disability Issues to request an additional year of funding for the Right to Control trailblazer. A decision on allocation of funding will be made by Parliament and is expected in November 2012

6.1.3 The Right to Control partners in Barnet welcome the proposal to extend the trailblazer for a further year and have agreed in principle to an extension, subject to funding being made available and further negotiation of a contract variation.

6.1.4 The extension will enable us to:

- Develop the “best practice” elements of our model that really make a difference to disabled people;
- Build a robust evidence base to inform local and national roll-out; and
- Embed the approach so that it is sustainable in the long term and consistent across service areas.

6.1.5 The Council is requesting the following from the ODI to fund this work:

Provisional Costings for ODI: Extension of Right to Control

	Resource	Amount	Comments
Support Planning	Peer Support Brokerage services- extension of 12 months	£164,000	<i>Spend as per current BCIL contract</i>
Total requested from ODI	Total extension of Right to Control	£450,000	

6.1.6 The project budget for the commissioning of the contract extension is £210,773.42. In the case that ODI funding is available this will be used with the additional monies from Integration of Health and Social Care Section 256 funding. If the ODI funding isn't available then Integration of Health and Social Care Section 256 funding will be used for the full amount. These two scenarios are expressed below;

Income		
Scenario A	£164,000	Grant monies from the Office for Disability Issues
	£41,000	Grant monies Integration of Health and Social Care Section 256 funding
Scenario B	£205,000	Grant monies Integration of Health and Social Care Section 256 funding

6.1.7 It should be noted that none of the monies budgeted for this service come from the Council's revenue base budget.

6.2 Procurement implications

6.2.1 In Delegated Powers Report 1313, the Director Adult Social Care and Health authorised the entry into contract with the Barnet Centre for Independent Living to provide the Advantage Agent service between April 2011 and December 2012, at a cost of £341,564.

6.2.2 Contract extensions are dealt with in paragraph 5.6 of the Council's Contract Procedure Rules (“CPR's”), which provides:

“5.6.1 In the case of an extension to a contract:

5.6.1.1 The initial contract was based on a competitive tender or quotations;

5.6.1.2 the initial contract has not been extended before; and

5.6.1.3 the value of the extension is less than half the cost of the existing contract without the extension and has a budget allocation having had regard to the following:

i. If initial contract was subject to EU tender procedure that the extension option was declared within the OJEU notice; acceptance report (Delegated Powers Report/Cabinet Resources Committee Report) and the contract includes extension clauses

ii. If initial contract value was subject to sub EU threshold procedure (Barnet tender/ quotation process) the extension does not take the value past EU threshold”

6.2.3 Acceptance thresholds for contract extensions are as set out in Table 5-2 of the CPR's. Contract extensions in excess of £173,934 must be authorised by the Cabinet Resources Committee.

6.2.4 In addition to the value of the proposed extension, as the initial contract with BCIL was not based on a competitive tender or quotation the extension does not come within the provisions of paragraph 5.6 of the CPR's. Accordingly a waiver of CPR's is now sought. Paragraph 5.8 of the CPR's provides that except in situations of urgency or emergency the CPR's may only be waived on the decision of Cabinet Resource Committee:

“and only where that Committee is satisfied, after considering a written report by the appropriate officer, that the waiver is justified because:

5.8.1 the nature of the market for the works to be carried out or the supplies or services to be provided has been investigated and is demonstrated to be such that a departure from the requirements of Contract Procedure Rules is justifiable; or

5.8.2 the contract is for works, supplies or services that are required in circumstances of extreme urgency that could not reasonably have been foreseen; or

5.8.3 the circumstances of the proposed contract are covered by legislative exemptions (whether under EU or English Law); or

5.8.4 there are other circumstances which are genuinely exceptional”

6.2.5 Waiver of the Contract Procedure Rules is being sought on the basis of exceptional circumstances: the time which it would take to carry out a full procurement, and in view of the re-commissioning timetables of User Controlled Information, Advice and Advocacy services and Peer Support Brokerage to ensure consistency of provision, a streamlined customer journey

and best value for money. The services to be provided under the recommended contracts represent specialist models of provision that have not yet been fully tested. The Council is therefore not yet in a position to proceed to competitive procurement but it must nevertheless procure new contracts to ensure continuity of provision for disabled people when existing contracts expire on 30 December 2012. These circumstances are consistent with the criteria at 5.8.1 and 5.8.4 of the Contract Procedure Rules.

7 LEGAL ISSUES

- 7.1 The services that were commissioned will fall under Annexe B of Schedule 3 to The Public Contracts Regulations 2006 (as amended). This means that the procurement was not subject to the full EU tendering rules.
- 7.2 Appropriate legal documentation will need to be drawn up and executed to vary and extend the existing contract.

8 CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

- 8.1 The Council's Constitution, Part 3, Responsibility for Functions, paragraph 3.6 sets out the functions of the Cabinet Resources Committee, which includes agreeing exceptions to standing orders.
- 8.2 Procurements are governed by the Contract Procedure Rules as set out in the Constitution.

9 BACKGROUND INFORMATION

- 9.1 The Council's Information, Advice, Advocacy and Brokerage strategy has been revised following wide consultation which ended in May 2011. The new strategy takes account of the feedback received, that people are looking for information, advice, advocacy and brokerage that are geared to the special needs of disabled people and carers rather than to those of Barnet's general population to be served by the Council's proposed Customer Services Organisation.
- 9.2 It is highly desirable that IAA and brokerage services are provided within a single integrated service in order to enable flexible use of resources to meet future needs.
- 9.3 A specialist information, advice, advocacy and brokerage service for disabled people and carers will enable:
- Choice and control - individual service users and carers are empowered to make informed decisions about their lives;
 - Prevention - individuals are supported to plan for their lives and anticipate their health and social care needs;
 - Social capital - individuals understand and make best use of the resources available to them;

- Market management - information about needs and demand stimulates a competitive consumer-led market.
- 9.4 For the Council the creation of the Centre for Independent Living embodies a commitment to a new relationship with citizens; a user led organisation responsible for the design and delivery of social care services, providing social value in line with the 'Big Society' agenda. The offer will include signposting and support for individuals both eligible and ineligible for social services, with special regard to those who are self-directing and self-funding their support. It will close the gap for those ineligible for or less willing to engage with statutory services; it will support disabled people to lead more independent lives and it will provide the links with statutory and safeguarding services where required.
- 9.5 In 2010 the Barnet Centre for Independent Living (BCIL) organisation, facilitated by CommUNITYBarnet was constituted as a Community Interest Company that is 100% user led. Establishing user led organisations to lead on information, advice and support planning, continues to be a key national Government policy of the Office for Disability Issues who in May 2011 launched a national programme to support the development of strong and sustainable user led organisations. The work that Barnet Council has been doing in developing the BCIL has been identified as an example of good practice by the ODI. In maximising use of volunteers and harnessing the expertise of the people who use services to provide peer support, Barnet Centre for Independent Living offers 'added value' to delivery of contract outputs and outcomes.
- 9.6 Through its User Controlled Information, Advice and Advocacy contract BCIL has worked with local organisations to form partnership and sub-contracting relationships. Many local voluntary organisations are members of BCIL. The Council has had long-standing relationships with many of the funded voluntary organisations and many are delivering services of considerable value to Barnet residents and has consulted with them during 2011 on how best to achieve the budget savings for the voluntary sector and on the Information, Advice, Advocacy and Brokerage Strategy. Continuing to commission provision through BCIL would ensure continuity of the conditions for integrated working between specialist organisations and across the different customer groups for whom the services are intended.
- 9.7 It is recommended that BCIL be commissioned to extend the Peer Support Brokerage service until 31 March 2014. During 2013 there will be market testing and competitive procurement of a new contract to commence at the end of the period.
- 9.8 The service will continue to be subject to a detailed specification and performance framework setting out the Council's requirements. Performance would be appraised against the following measures of success:
- The services are chosen by a majority of people looking for support.
 - The services enable achievement of Barnet's performance targets on the number of people taking up individual budgets and self-directing their support.
 - The services achieve high satisfaction ratings on the effectiveness of their support to both personal budget holders and self-funders.
 - The services are able to evidence that they have prevented needs from escalating and reduced requirements for statutory interventions

- 9.9 The risk that the recommended partnership with BCIL by way of a contract extension would not offer best value for money would be mitigated by the following intended actions:
- The Council's requirements for the services will be re-specified to define the objectives and deliverables to be achieved over the period of the contract.
 - For example, in 2012-13 there will be contract variation to
 - move to a cost and volume contract- to provide an incentive for Care Services Delivery and BCIL to deliver target numbers of support plans
 - BCIL to provide Direct Payment advice- to improve the customer journey and trial independent Direct Payment advice models
 - To include a Payment by Results method of payment (e.g. 10%)- to provide an incentive for BCIL to deliver target number of support plans. To trial personalised models of brokerage based on disaggregated funding as found elsewhere in the market
 - The contract is outcomes focused with well-defined indicators of success and include clear and enforceable accountabilities for performance and provision for unconditional early termination.
 - The contract will be for a limited period (December 2012- March 2014), with competitive procurement being undertaken in 2013.
- 9.10 The key milestones for User Controlled Information Advice Advocacy Services would apply to the recommissioning of Peer Support Brokerage as follows;
- Dec 2012 Contract extension and negotiation of contract variation
- Jan - Mar 2013 Review of performance and requirements for amendment of service models.
- Apr - Jun 2013 Market testing and finalisation of steady state service specifications.
- Jul - Dec 2013 Invitation of competitive tenders and selection of new contractor/s.
- Jan - Mar 2014 Service mobilisation and transition planning.
- April 2014 Commencement of new contract.

10 LIST OF BACKGROUND PAPERS

10.1 Equality Analysis; User Controlled Information, Advice, Advocacy Services

Cleared by Finance (Officer's initials)	JH/MC
Cleared by Legal (Officer's initials)	SS