

	<h2>Policy and Resources Committee</h2> <h3>2nd June 2015</h3>
<p>Title</p>	<p>Extension of User Controlled Information, Advice and Advocacy Service Contract</p>
<p>Report of</p>	<p>James Mass, Assistant Director, Community and Wellbeing</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Public</p>
<p>Enclosures</p>	<p>Annex A – Delegated Powers Report dated 31 March 2015</p>
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<h2>Summary</h2>
<p>Cabinet Resources Committee agreed on 4th November 2013 to authorise procurement of an Information, Advice and Advocacy Service. The service was put out to tender on 13th October 2014 and was awarded to Barnet Citizens Advice Bureau.</p>
<p>Since contract award, unforeseen issues have arisen with regards to reaching agreement in relation to the TUPE transfer of staff between the incumbent provider Barnet Centre for Independent Living (BCIL) and the new provider Barnet Citizens Advice Bureau (BCAB). Whilst these issues are being resolved, and in order to allow time for full due diligence to be completed and time for staff to be consulted with, the decision was taken to extend the current contract with BCIL for a period of two months to 31st May 2015 at a value of £58,991. This decision was taken to ensure continuity of service provision for Barnet residents and ensure the Council is meeting its duties under the Care Act 2014.</p>
<p>Policy and Resources Committee members are advised that this decision was taken through emergency waiver due to the urgency of the situation.</p>

Recommendations

That the decision of the Adults and Communities Assistant Director, Community And Wellbeing, as detailed below be noted:

1. That the Officer in consultation with the Chairman of the Policy and Resources committee agree a waiver of the Contract Procedure Rules to extend the contract with Barnet Centre for Independent Living until 31st May 2015.

1. WHY THIS REPORT IS NEEDED

- 1.1 To notify this Committee of the decision taken by the Adults and Communities Assistant Director, Community and Wellbeing with regard to the above item. The Assistant Director was required to make a decision on this item as it required a decision within a set timeframe and Policy and Resources Committee were not due to meet within this timescale.
- 1.2 Section 15.2 of the Council's Contract Procedure Rules states that Directors, Assistant Directors, Lead Commissioners, and Heads of Service may take decisions on emergency matters in consultation with the Chairman of the Policy and Resources Committee providing they report to the next available Policy & Resources Committee setting out the reasons for the emergency waiver. This report sets out those reasons.

2. REASONS FOR RECOMMENDATIONS

- 2.1 Since the original contract award for the new Specialist Information, Advice and Advocacy Service, unforeseen issues have arisen with regards to reaching agreement in relation to the TUPE transfer of staff between the incumbent provider Barnet Centre for Independent Living (BCIL) and the new provider Barnet Citizens Advice Bureau (BCAB). Whilst these issues are being resolved, and in order to allow time for full due diligence to be completed and time for staff to be consulted with, the decision to extend the current contract with BCIL is needed. The decision was taken to ensure continuity of service provision for Barnet residents and ensure the Council is meeting its duties under the Care Act 2014.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 To continue with the planned end date of the existing contract with BCIL on 5 April 2015. However this would have likely resulted in a gap in service provision, as the dispute between the two providers had impacted on the timescales of the implementation plan, and the incoming provider would not be ready to deliver the contract. There was a risk the Council being in breach of its statutory duties.

- 3.2 To insist the new contract starts whilst issue regarding TUPE remain unresolved. Rejected as this would not allow staff to be fully consulted with before the new contract started.

4. POST DECISION IMPLEMENTATION

- 4.1 Both providers have agreed two months provides sufficient time to reach resolution and ensure a smooth transition into the new contract by 1st June. Action plans have been requested from both providers setting out their intended actions to be taken and timeframes throughout the extension period to reach resolution on these issues. These actions will be monitored by officers to help expedite the process.
- 4.2 Both organisations and Officers are working to the implementation date of 1 June 2015.

5.1 IMPLICATIONS OF DECISION

- 5.1.1 Financial impact - £58,991 to come from the budget for the IAA contract
- Impact on Barnet residents - Continuity for people currently receiving a service and support over the two months for new people presenting who require support.
 - Impact on BCAB - change to the start date of their contract. The contract will continue to run for five years with the option to extend for a further year from the new start date of 1st June 2015.
 - Impact on BCIL – extension to their existing contractual terms and conditions and a one off pro-rata payment.
 - Impact on BCIL staff – additional time to understand the proposed changes and any options.

5.2 Corporate Priorities and Performance

- 5.2.1 The council's Corporate Plan for 2015-2020 sets out four strategic objectives to ensure that Barnet is a place :
- of opportunity, where people can further their quality of life
 - where people are helped to help themselves, recognising that prevention is better than cure
 - where responsibility is shared, fairly
 - where services are delivered efficiently to get value for money for the taxpayer
- 5.2.2 Continuation of service provision over the two month period will assist with meeting these areas. Having a service in place will also ensure the Council's duties under the Care Act in relation to Information, Advice and Advocacy are met from 1st April.

5.3 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.3.1 The extension of the contract from the 1st of April 2015 to the 31st of May 2015 has cost £58,991 which was funded from existing budget for the IAA contract.

5.4 Legal and Constitutional References

5.4.1 In February 2015 the Public Contracts Regulations 2015 came into force. Under the new Regulations these services are categorised as Health, social and related services and where the contract exceeds the relevant threshold (€700,000) are subject to the 'light touch regime' and the principles of acting in a transparent way and treating all potential providers equally and in a non-discriminatory way. The contract extension proposed in this report complies with the relevant provisions of the 2015 Regulations concerning the modification of contracts during their term.

5.4.2 Council Constitution, Contract Procedure Rules, Appendix 1, Table A provides that a variation or extension of a contract requires approval by the relevant thematic committee, when the total value of the original contract value plus the addition of the value of any extension and/or variations comes to over £172,514. As the existing value of the contract is £1,764,905, and the value of the extension is £58,991 the contract would normally be required to be approved by Adults and Safeguarding Committee as the relevant thematic committee. However as the previous contract expired on 31 March 2015 an emergency waiver is required to ensure continuity of services.

5.4.3 Section 15.2 of the Council's Contract Procedure Rules provides that Directors, Assistant Directors, Lead Commissioners, and Heads of Service may take decisions on emergency matters in consultation with the Chairman of the Policy and Resources Committee providing they report to the next available Policy & Resources Committee setting out the reasons for the emergency waiver.

5.5 Risk Management

5.5.1 The extension addresses the risk that the Council's duty under the Care Act 2014 to provide timely, good quality Information, Advice Advocacy support and promote independence may not be met.

5.5.2 Risks associated with either the incumbent or new provider not meeting their duties to appropriately consult with staff on the proposed changes will be mitigated by extending the current arrangements to allow time for resolution to be reached.

5.5.3 Risks of non-delivery within the extended timeframe will be managed by the development of (by the two affected providers) and oversight (by the Council) of detailed actions plans for the transition. Each provider is clear on what services will be provided throughout the extension period which they are in turn communicating to residents.

5.6 Equalities and Diversity

- 5.6.1 The core provisions of the Equality Act 2010 came into force on 1 October 2010 and the public sector equality duty (section 149 of the Act) came into force on 5 April 2011. Under section 149, the council must have due regard to the need to eliminate discrimination, harassment and victimisation prohibited under the Act and to advance equality of opportunity and foster good relations between those with protected characteristics and those without.
- 5.6.2 The protected characteristics are age; disability; race; gender reassignment; pregnancy and maternity; religion or belief; sex; and sexual orientation. They also cover marriage and civil partnership with regard to eliminating discrimination.
- 5.6.3 Any organisation providing public sector services is subject to scrutiny by the council to ensure that delivery complies with the public sector equality duty.
- 5.6.4 The Information, Advice and Advocacy providers play an important role in helping engage and consult with protected characteristic groups including carers, people with disabilities and local faith and ethnic groups. An extension to existing arrangements will ensure that these groups continue to be served and that there is no break in service delivery. As part of the tender process, suppliers were asked to demonstrate their experience and aspirations in engaging with the community as a whole and hard to reach groups in particular and the service specification sets out a number of outcomes pertaining to this which will be monitored under the new contractual arrangements from 1st June 2015.

5.7 Consultation and Engagement

- 5.7.1 People currently accessing support are being informed about the extension to current arrangements and information in the public domain will be clear on where to go for different types of support throughout these two months.
- 5.7.2 Both affected providers were consulted with before the extension was agreed.
- 5.7.3 Service users and carers were consulted with as the specification for the new service was being developed. Service users and carers participated in the tender evaluation. There will be more opportunities for consultation and engagement as the general information and advice strategy is taken forward in 2015 and this contract will form part of identified actions within that.

6 BACKGROUND PAPERS

- 6.1 Cabinet Resources Committee, 4th November 2013, agenda item 7
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=151&Mid=7460&Ver=4>