

	<p><b>ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER</b>  <b>31<sup>st</sup> March 2015</b></p>
<p style="text-align: right;"><b>Title</b></p>	<p>Extension of User Controlled Information, Advice and Advocacy Service Contract</p>
<p style="text-align: right;"><b>Report of</b></p>	<p>James Mass, Assistant Director, Community and Wellbeing</p>
<p style="text-align: right;"><b>Wards</b></p>	<p>All</p>
<p style="text-align: right;"><b>Status</b></p>	<p>Public</p>
<p style="text-align: right;"><b>Enclosures</b></p>	<p>None</p>
<p style="text-align: right;"><b>Officer Contact Details</b></p>	<p>Jenny Beasley, Prevention and Wellbeing Manager  <a href="mailto:Jenny.Beasley@Barnet.gov.uk">Jenny.Beasley@Barnet.gov.uk</a>, North London Business Park                  020 8359 2639</p>

<p><b>Summary</b></p>
<p>Cabinet Resources Committee agreed on 4<sup>th</sup> November 2013 to authorise procurement of an Information, Advice and Advocacy Service. The service was put out to tender on 13<sup>th</sup> 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 to extend the current contract with BCIL is being sought. In order to ensure continuity of service provision for Barnet residents and ensure we are meeting our duties under the Care Act in relation to information, advice and advocacy the decision is being taken on an emergency basis under section 15 Councils Contact Procedure Rules as follows:</p> <p>“To apply for a waiver: Directors, Assistant Directors, Lead Commissioners and Heads of Service may take decisions on emergency matters in consultation with the Chairman of Policy and Resources Committee providing they report to the next available P&amp;R meeting, setting out the reasons for the emergency waiver.” For further details see section 15.1-15.4 of the Contract Procedure Rules.</p>

## **Decisions**

The decision to extend the current contract with Barnet Centre for Independent Living on an emergency basis for a period of two months until 31<sup>st</sup> May 2015 at a value of £58,991 is requested to allow for the resolution of staffing issues before the new contract commences.

### **1. WHY THIS REPORT IS NEEDED**

- 1.1 The application for an emergency waiver / signed off through an officer DPR is required in order to extend the current contract with BCIL. A report will also be taken to the next Policy and Resources committee informing them of this decision.

### **2. REASONS FOR DECISIONS**

- 2.1 To ensure due diligence is undertaken fully
- 2.2 To allow time to consult with affected staff.
- 2.3 To ensure continuity of service provision whilst these issues are being resolved.

### **2.4 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 2.4.1 To end the contract with BCIL on 31<sup>st</sup> March. Rejected as this would result in a gap in service provision whilst the new contract was still being implemented and risk the Council being in breach of its statutory duties.
- 2.4.2 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.

### **3. POST DECISION IMPLEMENTATION**

- 3.1 Both Providers have agreed two months provides sufficient time to reach resolution and ensure a smooth transition into the new contact by 1<sup>st</sup> 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. IMPLICATIONS OF DECISION**

- 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 1<sup>st</sup> 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.

#### **4.1 Corporate Priorities and Performance**

4.1.1 The council's Corporate Plan for 2013–2016 sets our direction and strategy for the year ahead, focusing on our three main priority areas:

- promote responsible growth, development and success across the borough
- support families and individuals that need it- promoting independence, learning and well-being
- improve the satisfaction of residents and businesses with the London Borough of Barnet as a place to live, work and study.

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 1<sup>st</sup> April.

#### **4.2 Resources**

4.2.1 £58,991 to come from the existing budget for the IAA contract – no additional financial impact.

#### **4.3 Legal and Constitutional References**

4.3.1 The services delivered under this contract are considered to be Part B Services for the purposes of the Public Contracts Regulations 2006. Whenever a contracting authority seeks offers in relation to a proposed Part B services contract above the EU threshold, contracting authorities must comply with parts of the Public Contracts Regulations and the Treaty of the Functioning of the European Union principles of acting in a transparent way and treating all potential provides equally and in a non-discriminatory way.

4.3.2 Section 15.2 of the Council's Contract Procedure Rules gives Chief Officer authority to make decisions on emergency matters subject to consultation with the Chairman of the Policy and Resources Committee and reporting the waiver of the Contract Procedure Rules retrospectively to the next meeting of the Policy & Resources Committee. This is scheduled to be brought to the committee meeting on 2<sup>nd</sup> June 2015.

## **4.4 Risk Management**

- 4.4.1 The extension addresses the risk that the Council's duty under the Care Act to provide timely, good quality Information, Advice Advocacy support and promote independence may not be met.
- 4.4.2 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.
- 4.4.3 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.

## **5.5 Equalities and Diversity**

- 5.5.1 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.
- 5.5.2 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.
- 5.5.3 Any organisation providing public sector services is subject to scrutiny by the council to ensure that delivery complies with the public sector equality duty.
- 5.5.4 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 1<sup>st</sup> June 2015.

## **5.6 Consultation and Engagement**

- 5.6.1 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.

5.6.2 Both affected providers were consulted with before the extension was agreed.

5.6.3 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 None

## **7. DECISION TAKER'S STATEMENT**

7.1 *I have the required powers to make the decision documented in this report. I am responsible for the report's content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with the decision making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations.*

## **8. OFFICER'S DECISION**

### **I authorise the following action**

8.1 To extend the contract with Barnet Centre for Independent Living for the User Controlled Information Advice and Advocacy Service for a period of two months until 31<sup>st</sup> May 2015 at a value of £58,991.

**Signed** \_\_\_\_\_

**Date** \_\_\_\_\_

---

## **REPORT CLEARANCE CHECKLIST**