

| | |
|---------------------------------------|--|
| | <h2>Policy and Resources Committee</h2> <h3>2nd June 2015</h3> |
| <p>Title</p> | <p>Addendum to Item 9: Extension of User Controlled Information, Advice and Advocacy Service Contract</p> |
| <p>Report of</p> | <p>Mathew Kendall, Director, Adults and Communities</p> |
| <p>Wards</p> | <p>All</p> |
| <p>Status</p> | <p>Public</p> |
| <p>Enclosures</p> | <p>None</p> |
| <p>Officer Contact Details</p> | <p>Andrea Breen, Head of Prevention and Wellbeing andrea.breen@barnet.gov.uk, North London Business Park 020 8359 2955</p> |

Summary

There have been protracted issues with regards to reaching agreement on TUPE transfer of staff between the outgoing Provider Barnet Centre for Independent Living (BCIL) and the incoming Provider Barnet Citizens Advice Bureau (BCAB). It was anticipated that this would be resolved during the two month extension, with the new contract starting on 1 June 2015.

On 21 May BCAB informed the council that one of their intended subcontractors VoiceAbility was withdrawing from the partnering arrangements. This was unexpected and a matter of 6 working days before the contract was due to start. BCAB were committed to identifying an alternative subcontractor and this has significantly impacted on their ability to fully resolve the staff measures required for successful TUPE transfer.

Council officers were required to urgently reassess the risks to the delivery of the contract for the 1 June 2015 and new proposed sub-contractual arrangements and implementation plan was only received on 28 May 2015.

Policy and Resources Committee is asked to approve a waiver of the Contract Procedure Rules (CPR) and a further four week extension until 29 June 2015. The council officers are satisfied that the implementation plan mitigates against identified risks and the previous TUPE disputes are now largely resolved.

Recommendations

That the Committee

2. Approve a waiver of the CPR and extend the contract with Barnet Centre for Independent Living until 29 June 2015.

1. WHY THIS REPORT IS NEEDED

- 1.1 See the main report.
- 1.2 To ask the Committee to approve a waiver to the Council's CPR under 15.1 and allow a further extension of the contract with Barnet Centre for Independent Living until 29 June 2015, due to exceptional unforeseen changes in the proposed subcontracting arrangements with the new Provider Barnet Citizens Advice Bureau.

2. REASONS FOR RECOMMENDATIONS

- 2.1 See the main report.
- 2.2 There have been exceptional and unforeseen events which have significantly impacted upon the implementation of the new Specialist Information, Advice and Advocacy Service on 1 June 2015. This issue is separate to the TUPE disagreements between the incoming and outgoing organisations, which necessitated the original extension request of two months.

On 21 May BCAB were informed by VoiceAbility that they were withdrawing from the contract with BCAB, and they formally notified them of this decision on 26 May. BCAB immediately notified the council that this was unexpected and immediately sought to rectify this by identifying alternative Partners. This obviously has a further impact on the management of TUPE transfers. While the issues are being resolved a further extension is required 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 See the main report.
- 3.2 To continue with the planned start date on 1 June 2015 meant it was highly likely that the incoming provider would not be ready to deliver the contract on 1 June and a further risk the Council being in breach of its statutory duties.
- 3.3 To extend for a longer period than four weeks in order for the council to consider alternatives to awarding the contract to BCAB. This was rejected as the council invested resources in developing a new contract which set out the ways in which the council will meet its requirements under the Care Act in the

provision of specialist information, advice and advocacy. BCAB also successfully identified an alternative subcontractor and following an assessment of the new proposals, the council is satisfied that they can deliver the new contract from 29 June 2015.

4. POST DECISION IMPLEMENTATION

4.1 See the main report.

4.2 The council will lead further meetings with all involved Partners from 1 June to monitor actions and progress.

4.3 As part of the implementation plan BCAB will have a Memorandum of Understanding with the new Partners. The Chairs and Trustees of all three organisations have been involved in the sign off of the implementation plan.

4.4 All organisations and Officers are working to the implementation date of 29 June 2015.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 See the main report.

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

5.2.1 See the main report.

5.2.2 The extension of the contract would be on a pro rata basis from a monthly payment of £29,415.11 which is funded from existing budget for the IAA contract.

5.3 Legal and Constitutional References

5.3.1 See the main report.

5.3.2 Council Constitution, CPR, Section 15 sets out the rules relating to waivers of CPR. Rule 15.1 states that if the application of these Contract Procedure Rules prevents or inhibits the delivery or continuity of service, Directors or Assistant Directors, Commissioning Directors and Heads of Service may apply for a waiver. All applications for a waiver of these Contract Procedure Rules must be submitted to Policy and Resources Committee specifically identifying the reason for which a waiver is sought, including justification and risk.

5.4 Risk Management

5.4.1 See the main report.

5.5 Equalities and Diversity

5.5.1 See the main report.

5.6 Consultation and Engagement

5.6.1 See the main report.

6 BACKGROUND PAPERS

6.1.1 See the main report.