

	<p><b>ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER 16 November 2015</b></p>
<p><b>Title</b></p>	<p><b>People’s Choice – One-Off Funding</b></p>
<p><b>Report of</b></p>	<p>Adults and Health Commissioning Director / Director of Adult Social Services</p>
<p><b>Wards</b></p>	<p>All</p>
<p><b>Status</b></p>	<p>Public</p>
<p><b>Enclosures</b></p>	<p>None</p>
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<p><b>Summary</b></p>
<p>The report proposes a one-off revenue payment of £67,758 to Barnet Centre for Independent Living (BCIL) to defray the 2015/16 running costs for People’s Choice (PC) in providing a professional and independent advice, support and advocacy service through self-advocacy groups (such as the Learning Disabilities Parliament) and outreach on a 5-day week basis.</p> <p>The proposal arises because a recent tender (October 2014) for Specialist Information, Advice and Advocacy (SIAA) resulted in the award of a contract to a new Provider in June 2015. The previous IAA contract was held by BCIL who sub-contracted the advocacy element to PC (which was then a separate entity but merged with BCIL in 2012 as both were user-led organisations and to realise synergies in “back office” functions). Post-merger funding for PC was rolled-up into the original IAA contract held by BCIL. When the new SIAA contract was awarded to a different Provider, the specification for IAA also changed to reflect the requirements of the Care Act 2014 i.e. a more holistic offer as opposed to advocacy specific to the learning disability client group. At the time it was also deemed that TUPE did not apply to PC staff. The £68k therefore provides one-off interim revenue funding to meet the current year budget shortfall and thus ensure business continuity including the provision of services to Barnet residents for the activities provided by PC. The budget shortfall is currently being met via BCIL’s reserves; however, this is a temporary measure to meet short-term cash flow requirements. BCIL is currently</p>

commissioned by Barnet Council to provide external support planning and brokerage services to Adults & Communities. BCIL management are actively working on a 2016/17 business plan to secure longer-term funding and ensure sustainability and growth, particularly around flagship projects such as PC.

## **Decisions**

- 1. Agree one-off revenue payment of £67,758 to BCIL to defray the running costs for People's Choice in 2015/16, met from existing resources identified within Commissioning Group.**
- 2. A condition of the payment is that BCIL provides a report detailing how the money (as stated in paragraph 5.2.1, Table 2, of this report) has been spent, and the relevant section of their management accounts. To the extent that this condition is not fulfilled, BCIL immediately repays the equivalent amount to the Council.**

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

- 1.1 This report is required for the London Borough of Barnet to authorise a one-off revenue payment of £67,758 to Barnet Centre for Independent Living (BCIL) to defray the 2015/16 running costs for People's Choice (PC) in providing a professional and independent advice, support and advocacy service through self-advocacy groups (such as the Learning Disabilities Parliament) and outreach on a 5-day week basis.
- 1.2 The payment is one-off and arises because a recent tender (October 2014) for Specialist Information, Advice and Advocacy (SIAA) resulted in the award of a contract to a new Provider in June 2015. The previous IAA contract was held by BCIL who sub-contracted the advocacy element to PC (which was then a separate entity but merged with BCIL in 2012 as both were user-led organisations and to realise synergies in "back office" functions). Post-merger funding for PC was rolled-up into the original IAA contract held by BCIL. When the new SIAA contract was awarded to a different Provider, the specification for IAA also changed to reflect the requirements of the Care Act 2014 i.e. a more holistic offer as opposed to advocacy specific to the learning disability client group. At the time it was also deemed that TUPE did not apply to PC staff. The £68k therefore provides one-off interim revenue funding to meet the current year budget shortfall and thus ensure business continuity including the provision of services to Barnet residents for the activities provided by PC. The budget shortfall is currently being met via BCIL's reserves; however, this is a temporary measure to meet short-term cash flow requirements. BCIL is currently commissioned by Barnet Council to provide external support planning and brokerage services to Adults & Communities.
- 1.3 BCIL management are actively working on a 2016/17 business plan to secure longer-term funding and ensure sustainability and growth, particularly around flagship projects such as PC. For example, BCIL has engaged a freelance professional fundraiser and are currently working on a major lottery fund bid which is part of a suite of planned bids designed to grow its services for the future. PC has also been working to refine their service offer to optimise their attractiveness to potential funders. In addition, as reported to Adults and Safeguarding Committee 12 November 2015, BCIL is in the process of implementing governance changes at a corporate level. This includes incorporation of Inclusion Barnet (IB) as a parent company with BCIL continuing as a trading arm. The reasons for setting up IB are strategic: for example, to facilitate closer working with other organisations like Community Barnet and thus be better placed to meet organisational aims and objectives; as well as practical, for example benefitting from Gift Aid and the ability to bid for other sources of income not open to BCIL (who are incorporated as a community interest company).

## **2. REASONS FOR DECISIONS**

- 2.1 The overall purpose of PC is to serve the learning disability community in Barnet: PC runs self-advocacy groups such as the Learning Disability Parliament, Speaking Up sub-group, Advocacy and three drop-in groups in

Barnet. The aim is to empower the learning disability community to speak up and have a voice.

- 2.2 Future developments include being more proactive in outreach to seldom heard communities and to increase opportunities for LD people in Barnet by engaging with employers. The latter is consistent with Barnet Council's Corporate Plan commitment to increase the number of people with learning disabilities in the workplace.
- 2.3 Additionally there are plans to develop a policy and action plan from the Learning Disability Parliament about employment that covers:
- Training / Further Education
  - Support to individuals (provided by Peers)
  - Action on barriers such as welfare procedures
  - Employer attitudes
  - Wage issues
  - Discrimination
- 2.4 This section provides examples of how PC's activities are aligned with and complement Barnet's adult social care agenda:
- a) LD Parliament – this forum meets x12 annually reaching 80 people through constituency meetings and 240 people (users of Your Choice services) through communications via Your Choice.

Outcomes for PC users include:

- Increased confidence and communication skills
  - Influencing community developments e.g. improved access and other facilities attributable to Brent Cross Access Forum
  - Opportunities for networking and support networks
  - Mitigating Social Isolation
- b) Drop-In Group – this forum has x24 meetings annually with 40+ unique attendees over the course of a year. The groups provide a valuable opportunity for engagement with service users who do not communicate verbally, building up trust and communication skills.
- c) Collaborative working with Barnet Council and other Stakeholders – attendance at Experts by Experience consultations.
- d) Prevention – for example engaging with people with mild to moderate learning disabilities who otherwise might not come to the attention of services until they are in crisis and ensuring that they are linked in with support early when their circumstances change; and prevention of hate crime and potential safeguarding issues through PC's 'Good Friends, Bad Friends' leaflets and awareness raising.

### 3. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 3.1 The proposal does not constitute a new procurement or grant-funding to the voluntary sector. It is a one-off payment under the existing contract to ensure business continuity including the provision of services to Barnet residents for the activities provided by PC.

### 4. POST DECISION IMPLEMENTATION

- 4.1 The proposed funding is one-off. BCIL will be required to provide evidence to the Council that the funding has been utilised for the purposes requested (Table 2 refers) as detailed in Decision 2.

### 5. IMPLICATIONS OF DECISION

#### 5.1 Corporate Priorities and Performance

- 5.1.1 BCIL is a key partner of the Council and is valued as a peer-led organisation. The proposal contributes towards the key priorities and objectives of the Council's Corporate Plan 2015-20.

"The Council, working with local, regional and national partners will strive to ensure that Barnet is the place:

- of opportunity, where people can further their quality of life
- where people are helped to help themselves
- where responsibility is shared daily
- where services are delivered efficiently to get value for money for the taxpayer"

- 5.1.2 The service contributes to the objectives of the Health and Wellbeing Strategy by ensuring people have choice and greater life opportunities through effective care and support.

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

- 5.2.1 The proposed funding is intended to defray the running costs of Peoples Choice in 2015/16 as shown in Table 2:

**Table 2 – One-Off Funding Requested from People's Choice in 2015/16**

<b>Job Role / Activity</b>	<b>Funding Sought from Barnet Council in 2015/16 £</b>	<b>Funding Provided by Access to Work (A2W) £</b>
Team Leader (18 Hours, 0.51 FTE*)	15,337	0
Campaigns Officer (10 hours, 0.29 FTE*)	6,539	0
Parliament Officer (11 hours, 0.31 FTE*)	7,193	0
Advocacy Officer (10 hours, 0.29 FTE*)	6,539	0

Support worker (12 hours, 0.34 FTE*)	0	7,847
Support worker (10 hours, 0.29 FTE*)	0	6,539
Support worker costs not funded by A2W**	12,255	0
Management* (0.1 FTE)	4,917	0
Admin support* (apportionment)	5,394	0
Miscellaneous Project costs (estimate)	1,000	0
Contribution to core costs (apportionment)	8,584	0
<b>TOTAL</b>	<b>£67,758</b>	<b>£14,386</b>

#### Notes:

\* Gross costs, pro rata for 35 hours per week.

\*\* To the extent that A2W reimburse any additional moneys this will reduce the amount of £67,758 requested by BCIL.

5.2.2 See also paragraph 2.5 for the estimated SRoI of this proposed payment i.e. £2.03 savings generated for every £1 invested.

5.2.3 BCIL management have confirmed that they have not been successful in securing equivalent stop-gap funding for PC from other sources.

5.2.4 The proposal can be funded from within existing budget provision identified by the Resources Director (Commissioning Group).

5.2.5 A condition of the payment is that BCIL provides a report detailing how the £67,758 has been spent together with the relevant section of its management accounts. To the extent that this condition is not fulfilled, BCIL will be required to immediately repay the equivalent amount to the Council.

#### 5.3 Legal and Constitutional References

5.3.1 The proposed contract variation is permitted under Regulation 72 of the Public Contracts Regulations 2015 (PCR) because the current contract between BCIL and the Council contains a variation clause (clause 19) which permits the proposed one-off payment and the overall nature of the contract will not be changed. Additionally Regulation 72 of the PCR permits such a variation where the financial amount of the variation is less than 10% of the initial contract value. Therefore the contract can be varied under clause 19 of the contract and under Regulation 72 of the PCR.

#### 5.4 Risk Management

5.4.1 There are no additional risks related to the proposed payment. In the absence of such a payment there is a high risk that People's Choice will not be able to provide services in 2015/16 and its future viability compromised.

#### 5.5 Equalities and Diversity

5.5.1 The Council's contract with BCIL includes explicit requirements fully covering the Council's duties under equalities legislation. The contract continues to require the provider 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, sexual orientation and disabilities.

5.5.2 People with learning disabilities are one of the most marginalised groups in society. In addition to being socially excluded with limited opportunities in employment, education and in using mainstream services, they also experience significant health inequalities due to limited access to health services and diagnostic overshadowing.

5.5.3 The new National Plan to develop community services for PWLD and / or Autism includes a service model based on a set of person centred principles including increased choice and control. Investment in People's Choice will help increase non-statutory advocacy services which are independent and separate from care and support providers.

## 5.6 Consultation and Engagement

5.6.1 None required.

## 6. BACKGROUND PAPERS

6.1 Adults & Safeguarding Committee 12 November 2015, Agenda Item 10  
<http://barnet.moderngov.co.uk/documents/s27201/External%20Support%20Planning%20and%20Brokerage%20Contract%20Novation.pdf>

## 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

8.1 **I authorise the following action:**

A one-off revenue payment of £67,758 to BCIL to defray the running costs for People's Choice in 2015/16. This is subject to BCIL providing a report detailing how the money has been spent together with the relevant section of its management accounts. To the extent that this condition is not fulfilled, BCIL will be required to immediately repay the equivalent amount to the Council.

**Signed**

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Adults and Health Commissioning Director / Director  
of Adult Social Services

**Date**

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**16 November 2015**