

	<p align="center">CHIEF OFFICER IN CONSULATION WITH COMMITTEE CHAIRMAN DELEGATED POWERS REPORT</p>
<p align="center">Title</p>	<p>Contract Award for Independent Mental Capacity Advocacy (IMCA)/ Deprivation of Liberty Safeguards Relevant Person’s (paid) Representative (DOLS) and Independent Mental Health Advocacy (IMHA)</p>
<p align="center">Report of</p>	<p>Strategic Director of Adults, Communities & Health Director of Adult Social Services</p>
<p align="center">Wards</p>	<p>All</p>
<p align="center">Status</p>	<p>Public</p>
<p align="center">Enclosures</p>	<p>N/A</p>
<p align="center">Officer Contact Details</p>	<p>Jennifer Beharry, Interim Health and Social Care Commissioner, Joint Commissioning Unit Jenniferbeharry@nhs.net</p> <p>Debbie Fitzgerald, Care Quality Services Manager, Adults and Communities Debbie.fitzgerald@barnet.gov.uk</p> <p>Stacey Sangha, Procurement Manager for Adults & Children Services Stacey.Sangha@barnet.gov.uk</p>

<h2>Summary</h2>
<p>The report recommends the award of a tri-borough Contract to Mind in Barnet (subject to the London Borough of Haringey’s decision) for the provision of Independent Mental Capacity Advocacy, the Deprivation of Liberty Safeguards Relevant Person’s Paid Representative and Independent Mental Health Advocacy Services following an Open Tender Process conducted in partnership with the London Borough of Enfield and the London Borough of Haringey. The London Borough of Haringey are the Lead Authority and will award the contract on our behalf and execute the contract, with a service</p>

commencement date of 1 July 2018. The contract shall be for a period of three years with an option to extend for further periods of up to one plus one year, in accordance with the terms and conditions of the contract.

Owing to an extensive clarification period, the London Borough of Enfield who are currently the Lead Authority gave notice of the intention to extend for a further three months to Voiceability on 5 January 2018, invoking clause 2.2. of the current service agreement. This will ensure service continuity between the period 1 April 2018 – 30 June 2018.

The aggregated total cost of the purchase of these services from the Provider over the Term is within the Council's allocated budget of £460,000 for 5 years which includes the option for a one year plus one extension (subject to satisfactory performance and budget). Based on indicative year 1 costs, the Council should spend approximately £342,400 for Block contract only over the Term, achieving significant efficiency gains should planned activity match actual activity. Further detail provided in the Resources section.

There are separate arrangements across the boroughs for Care Act Advocacy and Children's Advocacy and these do not form part of the contract and pricing schedule for Barnet.

Decision

To award the tri-borough Contract to Mind In Barnet (**subject to the London Borough of Haringey's decision**) for the provision of Independent Mental Capacity Advocacy (IMCA), the Deprivation of Liberties Safeguards Relevant Person's Paid Representative (DOLS) and Independent Mental Health Advocacy (IMHA). The successful award is dependent on the award of the Contract by all three Boroughs.

1. WHY THIS REPORT IS NEEDED

- 1.1 The Policy and Resources Committee agreed the Annual Procurement Forward Plan (APFP) 2017-18 on 1 December 2016 which authorised Adults and Communities to procure Independent Mental Capacity Advocacy (IMCA)/Deprivation of Liberty Safeguards Relevant Person's (Paid) Representative (DOLS) and Independent Mental Health Advocacy (IMHA) ("the Services").
- 1.2 This Delegated Powers Report is required to authorise the award of Contract to the Provider listed in the Report whose tender met the evaluation criteria and achieved the highest score after a rigorous clarification process led by the London Borough of Haringey.

2. REASONS FOR RECOMMENDATIONS

- 2.1 To fulfil the statutory obligation of the London Boroughs of Barnet, Enfield and Haringey for the commissioning of a high quality, IMHA service to meet the Councils' statutory duties under section 43 of the Health and Social Care Act 2012 to make arrangements to enable "independent mental health advocates" to be available to support qualifying patients in accordance with section 130A of the Mental Health Act (as amended).
- 2.2 The Mental Capacity Act 2005 (MCA) requires local authorities and the NHS to appoint Independent Mental Capacity Advocates (IMCA) to represent individuals who may lack capacity to make decisions regarding their health or social care as a result of their physical or learning disability, illness such as dementia or brain injury or mental health problems. The purpose of this service is to provide a specialist independent mental capacity advocacy (IMCA) service to people identified as coming under the remit of the Mental Capacity Act 2005. Also to provide IMCA services in relation to the Deprivation of Liberty Safeguards as set out in the amendment to the Mental Health Act 2007, in the boroughs of Barnet, Enfield and Haringey.
- 2.3 The aforementioned services were divided into the below Lots and were put out to Tender on 3 November 2017, 13:00 via the Delta E-Sourcing portal.

Lot 1	Independent Mental Health Advocacy (IMHA)
Lot 2	Independent Mental Capacity Advocacy (IMCA)/ Deprivation of Liberty Safeguards Relevant Person's (PAID) Representative (DOLS) and Care Act Advocacy. Note: The Council is exempt from the Care Act Advocacy element of this Lot as there is existing provision in Barnet

- 2.4 As the incoming Lead Authority, the London Borough of Haringey led on the procurement process with input from the London Borough of Barnet and the London Borough of Enfield, where appropriate.
- 2.5 An evaluation panel comprising of representatives from three Boroughs offered both expert operational and strategic insight for each Lot and there were respective moderation meetings on 18 December 2017 to agree consensus scores and request further clarification from Tenderers were appropriate.
- 2.6 The tender process involved an evaluation of Capability, Quality and Cost in two stages:

Stage 1

Capability Assessment via selection questionnaire to assess the suitability of Tenderers in terms of their technical knowledge, capability/capacity, organisational and financial standing to meet the requirements.

Stage 2

The second stage of the process involved a cost and price evaluation. The tenders were evaluated against Quality (40% with a 60% pass mark) and Price 60%. Quality was evaluated based on submitted Method Statement responses. Each response was scored out of 5, with 0 being the lowest and 5 being the highest score. Tenders were required to score a minimum of 60% of the score available for quality. The overall score afforded to Tenderers was a consensus score awarded with reference to the Method Statement questions and supplementary clarification provided. The score for the total contract price was created by dividing each tender price by the lowest priced tender. This ratio was multiplied by the price weighting of 60% (600 points), to give a price score for each Tenderer.

Mind in Barnet was the highest scoring Tenderer for both Lots, based on a combination of scores on Quality and Price and will be awarded the Contract. Summary below:

LOT 1 - IMHA				
Tenderers	Quality	Price scores	Total Scores	Ranking
MIND IN BARNET	272	600	872	1
Bidder 2	332	417	749	2
Bidder 3	296	400	696	3
Bidder 4	336	356	692	4

LOT 2 – IMCA/ DOLS RPR				
Tenderers	Quality	Price scores	Total Scores	Ranking
MIND IN BARNET	280	600	880	1
Bidder 2	328	415	743	3
Bidder 3	268	391	659	4
Bidder 4	360	461	821	2

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The option of Barnet undertaking a procurement exercise independent to that of Enfield and Haringey was considered and rejected in favour of the historic tri-borough arrangement and possible benefit of economies of scale.

4. POST DECISION IMPLEMENTATION

- 4.1 If the Decision recommended in this Report is approved, the London Borough of Haringey will inform all Tenderers in writing via email of any intention to award a Contract.
- 4.2 All Tenderers will be provided with an “standstill letter” in writing via email in accordance with the Public Contract Regulations (PCR) 2015 notifying them of the outcome of the evaluation exercise and the Councils’ intentions as to the award.
- 4.3 The Councils will notify the successful Tenderer in writing of the acceptance of their Tender for the Contract and will publish an award notice in the Official Journal of the European Union (OJEU) and Contracts Finder.
- 4.4 Upon acceptance of the Tender, the London Borough Haringey are responsible for the execution of the formal contract.
- 4.5 This procurement is for Health and Social Care Services which falls under the ‘Light touch regime’ as described in Schedule 3 to the PCR.
- 4.6 The Adults and Communities Delivery Unit will monitor the contract on a quarterly basis alongside the London Borough of Haringey, who will be the lead commissioner. This will involve working in partnership with Mind in Barnet to ensure safe, effective and efficient statutory advocacy provision in Barnet.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 These contracts will form part of the Council’s statutory duties under the Care Act 2014 including duties in regard to promoting wellbeing, prevention and transition to adult care and support.
- 5.1.2 The contract supports the Council’s Corporate Plan strategic objectives 2015-2020 are that 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, recognising that prevention is better than cure
 - Where responsibility is shared, fairly and

- Where services are delivered efficiently to get value for money for the tax payer.

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

5.2.1 The contract value authorised through the Council's Forward Plan 2017/18 for the work streams was £460,000 for 5 years which includes the option for a one year plus one extension (subject to satisfactory performance and budget). However, the Council should spend £342,400 for Block Contract only over the term., achieving significant efficiency gains should planned activity match actual activity.

5.2.2 For each Lot, Barnet, Enfield and Haringey Councils agreed to an initial block contract price equivalent to a defined volume of activity (guaranteed hours); and then to an additional spot rate to purchase an additional 1000 hours of activity by Lot if the guaranteed hours in the initial block contract are exceeded due to greater than anticipated demand.

5.2.3 The Councils are not anticipating growth in referral activity so do not expect to have to purchase additional hours activity at the spot rate below. However, the table below sets out both the estimated contract price within the initial block contracts, and the estimated gross contract price should the additional hours be purchased. In the event additional spot purchasing is required with the Block Contract this would amount to £388,550 over the Term.

Contribution by Borough – guaranteed hours (initial block contract only)

	Note: boroughs to make equal contributions	Note: 60% core costs should be equally shared by participants (proportionate to split of contract between Care Act and IMCA); 40% costs should be split by usage	Total pa
Borough	IMHA	IMCA/Care Act	
Barnet	£30,800	£37,680 (IMCA only)	£68,480
Enfield	£30,800	£92,668	
Haringey	£30,800	£68,766	
Total contract sum (per annum)	£92,400	£ 199,122.00	

Contribution by Borough – plus additional 1000 hours spot purchasing

	Note: boroughs to make equal contributions	Note: 60% core costs should be equally shared by participants (proportionate to split of contract between Care Act and IMCA); 40% costs should be split by usage	Total pa
Borough	IMHA	IMCA/Care Act	
Barnet	£36,660	£41,050 (IMCA only)	£77,710

Enfield	£36,660	£99,290	
Haringey	£36,660	£75,362	
Total contract sum (per annum)	£109,980	£215,702.00	

5.2.4 The existing contract with Voiceability is funded through both NHS Barnet Clinical Commissioning Group (CCG) £54,026 and the Adults and Communities revenue budget for Safeguarding & DOLs.

5.2.5 Regular financial monitoring forms part of the contract, as does working within the ethos of continuous service improvement.

5.3 Social Value

5.3.1 Innovation and Social Value was a key component of the Method Statements. Tenderers were asked to detail how they would support each Borough's growth, sustainability and social value policies in such a way that enhances the delivery of the services (e.g. through the use of volunteers, apprentices in delivery of provision).

5.4 Legal and Constitutional References

5.4.1 The services delivered under this contract are subject to the 'Light Touch Regime' under Regulations 74 to 76 of the Public Contracts Regulations 2015.

5.4.2 HB Public Law reviewed and amended the draft Contract and subsequent Partnership Agreement which stated the Lead Authority's obligations and agreed the financial and non-financial contributions of each borough.

5.4.3 The Policy and Resources Committee on the 1st December 2016 in its Procurement Forward Plan authorised the commencement of this procurement. Where a Contract is within Budget, the Council's Constitution, Council Procedure Rules (App 1 Table A Part D) authorises the award of a Contract (including the appointment of Suppliers to it), by an authorised Council Officer in consultation with the Chairman of the relevant theme Committee

5.4.4 Under the January 2018 version of the Barnet Council Constitution Article 9.1 (b) (i) (c), the appropriate Chief Officer to approve tender strategies and award contracts in accordance with the Council's Contract Procedure Rules within Part 2 of the Constitution is the Strategic Director, Adults, Communities and Health where the contract value is above £181,302 (Council Procedure Rules (App 1 Table A Part D)

5.5 Risk Management

5.5.1 The award of this contract is unlikely to raise any public concern as these

services are already in operation.

5.5.2 Risks associated with the procurement process were mitigated by ensuring that the provision of services was consistent with allocated budget resources.

5.5.3 The risk of managing a contract across three Boroughs will be mitigated by a Partnership Agreement and coordinated contract monitoring. The three boroughs have implemented this approach for since 2010 and it has worked effectively.

5.5.4 The risk that the new contract will not provide value for money has been mitigated by designing the service specification and lots to reflect best practice (strategic and operational), local market research, national guidance and having an understanding of market demand.

5.6 Equalities and Diversity

5.6.1 Pursuant to the Equality Act 2010, the council and all other organisations exercising public functions on its behalf must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; advance equality of opportunity between those with a protected characteristic and those without; promote good relations between those with a protected characteristic and those without. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. It also covers marriage and civil partnership with regard to eliminating discrimination.

5.6.2 Any organisation providing public sector services is subject to scrutiny by the council to ensure that delivery complies with the Public-Sector Equality Duty.

5.6.3 Further equality-specific measures may be developed with reference to particular projects as the contract progresses to ensure that the organisation acts in keeping with the Council's public sector equality duty.

5.7 Consultation and Engagement

5.7.1 Providers were invited to attend a market event on Thursday 14 September 2017 which was hosted by the London Borough of Haringey, prior to the commencement of this Tender. The aims and objectives of the event are detailed below:

- To provide an outline of the changing context and requirements around advocacy
- To share intelligence and generate insights on current and future advocacy supply and demand in Barnet, Enfield and Haringey
- To share the proposed commissioning model and Borough specific Advocacy requirements (**IMHA and IMCA/DOLS RPR only for Barnet**)
- To provide an opportunity for providers to raise questions

5.8 Insight

- 5.8.1 Insight data was used to support the delivery of the Annual Procurement Forward Plan which enabled the preparation of market engagement with internal and external stakeholders prior to the procurement exercise and Barnet's community requirements were taken into account to inform these.

6. BACKGROUND PAPERS

- 6.1 Cabinet Resources Committee, 25th February 2014: Contract Award for Independent Mental Capacity Advocacy, the Deprivation of Liberties Safeguards Relevant Person's Paid Representative and Independent Mental Health Advocacy Services:
<http://barnet.moderngov.co.uk/documents/s13282/CRC20Report20IMCA20DOLS20IM>
- 6.2 Policy and Resources Committee, 24th March 2015: Variation to the Contract to award additional funding up to £40,000 per annum for the financial years 2015/16 and 2016/17:
<https://barnet.moderngov.co.uk/documents/s22211/Authorisation20for20Waiver20of20Best20Interest20Assessor20and20Mental20Health20Assessor20Service.pdf>
- 6.3 Policy and Resources Committee, 1st December 2016: Procurement Forward Plan 2017-18:
<https://barnet.moderngov.co.uk/documents/s36302/Appendix2012020Annual20Procurement20Forward20Plan202017-18.pdf>
- 6.4 Adults and Safeguarding Committee, 6th March 2017: Extension of and Variation of IMCA and IMHA contract:
<http://barnet.moderngov.co.uk/documents/s38338/Extension20of20and20variation20of20IMCA20and20IMHA20contract.pdf>

Chairman: Councillor Sachin Rajput
Has been consulted

Signed

Date

Chief Officer: Strategic Director for Adults, Communities and Health
Decision maker having taken into account the views of the Chairman

B. Waleleng

Signed

Date 13/02/2018