

	<p>CHIEF OFFICER IN CONSULTATION WITH COMMITTEE CHAIRMAN DELEGATED POWERS REPORT</p>
<p style="text-align: right;">Title</p>	<p>Barnet Citizen’s Advice Bureau – Community Advice Service Contract</p>
<p style="text-align: right;">Report of</p>	<p>Executive Director, Adults and Health</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Enclosures</p>	<p>None</p>
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Summary
<p>The Policy and Resources Committee agreed the Annual Procurement Forward Plan 2020/21 on 6th January 2020 which included authorisation for Adults and Communities to extend the Community Advice Service contract (CAS) and Specialist Information Advice and Advocacy contract (SIAA)</p> <p>The current provider for both contracts is Barnet Citizen’s Advice Bureau (BCAB). However, further to service review of both contracts and performance to date it has been identified that there is duplication in service provision across the Specialist Information Advice and Advocacy contract (SIAA) and Community Advice Service contract (CAS). Therefore, to prevent duplication and deliver improved value for money and service efficiency, this Delegated Powers Report seeks authorisation to: -</p> <ol style="list-style-type: none"> 1. Decommission the Specialist Information, Advice and Advocacy contract – effective from 5th April 2020, with a saving of £244,301. 2. Extend the Community Advice Service contract by a further year effective from 6th April 2020, varying the contract to include provision of Care Act Advocacy and increasing the contract value by a further £125,000. This means that the total

contract value of the Community Advice Service contract for 2020/21 will be £476,821 per annum.

The net saving to the council following these changes is therefore £119,301.

It should be noted that as part of the changes occurring, the current provider will continue to sub-contract delivery of Care Act Advocacy under the CAS contract with Mind in Barnet ensuring service continuity.

Decisions

1. To extend the Community Advice Service contract by a further year effective from 6th April 2020 until 5th April 2021.
2. To vary the Community Advice Service contract to include provision of Care Act Advocacy and increase the contract value by a further £125,000.
3. To authorise decommissioning of the Specialist Information Advice and Advocacy contract effective from 5th April 2020 with a saving of £244,301.

1. WHY THIS REPORT IS NEEDED

- 1.1 The Policy and Resources Committee agreed the Annual Procurement Forward Plan 2020/21 on 6th January 2020 which included authorisation for Adults and Communities to extend the Community Advice Service contract and Specialist Information Advice and Advocacy contract.
- 1.2 The London Borough of Barnet (LBB) currently commission Barnet Citizens Advice Bureau (BCAB) to deliver both contracts.
- 1.3 The Community, Advice Service (CAS) contract started on 6th April 2015 and is due to end on 5th April 2020. The contract includes the option to extend by a further year. The contract value for 2019/20 is £351,821 per annum.
- 1.4 The Specialist Information, Advice and Advocacy Service (SIAA) contract started on 1st June 2015 and is due to end on 31st May 2020. The contract includes an option to extend by a further year. The current provider (BCAB) have sub contractual arrangements in place with Mind in Barnet (MiB) to deliver the Care Act Advocacy component of the contract. The total annual contract value for 2019/20 is £244,301 and is apportioned as follows:
 - BCAB - £98,001
 - MiB - £146,300
- 1.5 This Delegated Powers Report is required to authorise the extension and variation of the Community Advice Service contract to include Care Act Advocacy provision and increase the contract value by £125,000 per annum effective from 6th April 2020. This increase to the contract value will be funded from the SIAA budget; this is therefore a higher extension value to the CAS contract however, it remains within the overall budget allocated for the provision of these services in line with the annual procurement forward plan. Alongside this it is recommended that the Specialist Information Advice and Advocacy contract is decommissioned effective from 5th April 2020 with a net saving to the council overall of £119,301.

2. REASONS FOR RECOMMENDATIONS

- 2.1 A full Equality Impact Assessment has been undertaken to inform the approach recommended. Additionally, it should be noted that there is a strong information and advice offer in place for Barnet residents. The current provider has shown their intention and willingness to work with the council and apply the proposed approach. The council will work closely with the current provider to strengthen the service and ensure the changes provide a more streamlined and effective service. The changes will ensure continuation of service for residents and continued compliance to the council's statutory duties as set out within the Care Act regarding information, advice, advocacy and prevention.
- 2.2 To inform the changes, a full options appraisal was carried out which highlighted that information and advice currently provided through the SIAA contract is already delivered via the CAS contract, with the exception of the Care Act Advocacy service. In conjunction with other resources in place locally and nationally it should be noted that there is a strong information and advice offer in place for residents. Varying the CAS contract to include provision of Care Act Advocacy will mitigate any negative impact on residents when the SIAA contract is decommissioned.
- 2.3 The rationale for proposing the changes recommended are based on:
- Opportunities to streamline and improve service delivery to meet Barnet residents' needs more effectively
 - Improved value for money
 - Performance monitoring information
 - Consideration of the wider specialist information and advice provision that is available through other council commissioned and non-commissioned services as well as other sources locally and nationally
 - Consideration of the wider prevention offer that is available through the voluntary community sector
- 2.4 The following information was also considered:
- BCAB review of commissioned services – December 2017
 - SIAA performance information (quantitative and qualitative) and CAS performance information
 - Discussions with BCAB and Mind in Barnet regarding opportunities to improve service delivery
 - Benchmarking carried out against other local authorities regarding their CAS and SIAA services.
- 2.5 The table below sets out the provision of information and advice currently delivered under the SIAA contract and other sources available for residents to access this provision.

Information and Advice provided under the SIAA contract	Alternative sources of Specialist Information & Advice include: -
Assessment Eligibility	Barnet Social Care Direct
Support Planning	Barnet Council website – Transport

Direct Payments	Barnet Council website – Adult Social Care
Financial Assessments	
Preventative Services	Barnet Community Directory
Travel & transport	Barnet Citizens Advice Bureau (under CAS)
Other	Society of Later Life Advisors Age UK Barnet Barnet Carers Centre Alzheimer’s Society Barnet Mencap
Discrimination	All of the above.
Education	All of the above. Additionally: Barnet Council website – free computer courses Barnet and Southgate College Barnet Homes free accredited courses (for Barnet Homes residents) OpenLearn (online) College of North West London The College of Haringey, Enfield and North East London The Workers’ Educational Association (WEA)
Employment	All of the above. Additionally: Barnet Council website Barnet Citizens Advice Bureau Barnet Community Directory which provides information about lots of local groups/organisations that can support with employment, for example the Welfare Reform Task Force, Volunteering Matters, BOOST Childs Hill, Community Souls and lots more Wellbeing Hub Mind in Barnet
Health and community care	Barnet Social Care Direct Barnet Council website Barnet Community Directory – Health & Wellbeing Healthwatch Barnet My Care My Home GP Practices One You NHS Health Checks Information about fitness NHS Health Checks
Housing	Barnet Social Care Direct Barnet Citizens Advice Bureau (CAS) Barnet Community Directory Housing Related Support Service- Barnet Homes

	Barnet Homes Bumblebee
Legal	Barnet Citizens Advice Bureau (CAS) Barnet Community Directory Age UK Barnet Barnet Carers Centre Specialist advice and advocacy services- VoiceAbility POhWER The Law Society The University of Law Advice Now National Citizens Advice
Relationships & Family	Barnet Community Directory Relate Citizens Advice Gingerbread Rights of Women Child Law Advice Young Minds

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 The following options were considered to inform commissioning intentions and discounted following a strengths, weakness, opportunities and threats analysis (SWOT):

- Extend the current contract in place for CAS by a further 12 months from 6th April 2020 to 5th April 2021 (contract value £351,821 pa). Alongside this, allow the current SIAA contract to end in March 2020 and enact the Care Act Advocacy component for LBB under the IMCA/ IMHA contract in place tri – borough (lot 2) – subject to legal advice and negotiation with the provider for Care Act Advocacy. This option was not recommended as it was evaluated as having a negative consequence due to not achieving value for money and the benefit of having a locally based service within the borough.
- Extend the current contract in place for CAS by a further 12 months from 6th April 2020 to 5th April 2021. Alongside this, allow the current SIAA contract to end in June 2020 and re-procure the care act advocacy element only. This option was not recommended as it was evaluated as having a negative consequence due to increased cost and reduced value for money.

4. POST DECISION IMPLEMENTATION

4.1 If the decision recommended in this report is approved, variation to the current CAS contract to include delivery of Care Act Advocacy will be enacted and the CAS contract extended by a further year effective from 5th April 2020. Alongside this, the current contract in place with Barnet Citizen’s Advice Bureau for delivery of Specialist Information Advice and Care Act Advocacy will be terminated on the 5th April 2020.

4.2 Communications will be circulated to service users/carers, stakeholders and the wider public.

- 4.3 The council will work closely with the provider as part of the exit and transition planning process.
- 4.4 The council is intending to re-procure the Community Advice Service and Care Act Advocacy Services during 2020/21 to ensure that the provision of these services is in place following the end date of the current contract extension.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The council's Corporate Plan (Barnet 2024) strategic objectives 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
- Where services are delivered efficiently to get value for money for the taxpayer.

Enacting the proposed changes as contained within this Delegated Powers Report will ensure that this contract supports the council in meeting these objectives.

5.1.2 Barnet's Joint Health and Wellbeing Strategy (2015–2020) includes the overarching aims of "Keeping Well" and "Promoting Independence". The CAS contract clearly supports the Health and Wellbeing Strategy.

5.1.3 This contract forms part of the council's statutory duties under the Care Act 2014.

5.1.4 The contract with the provider will be robustly monitored and reviewed including their performance through key performance measures and outcome indicators.

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

5.2.1 The contract value of the CAS contract effective from 6 April 2020 to 5 April 2021 will be £476,821 per annum. The contract value will include provision of Care Act Advocacy in line with current performance targets in place under the SIAA contract for Care Act Advocacy.

5.2.2 From the SIAA budget, after the budget for Care Act Advocacy of £125,000 has been allocated to the CAS contract, the council will achieve a saving of £119,000 for 2020/21 through the decommissioning of the SIAA contract. This saving will contribute to the overall savings targets set out in the Medium Term Financial Strategy (MTFS) 2019/24 which aims to address the anticipated budget gap of £69.9m by 2023/24.

5.2.3 Regular financial monitoring forms part of the contract, as does working within the ethos of continuous service improvement. The Provider will be required to evidence key performance indicators that will form part of performance monitoring and contract monitoring which will take place on a quarterly basis.

5.2.4 There are no TUPE implications associated with this contract or approach.

5.2.5 There are no staffing or IT implications

5.2.6 Barnet Citizens Advice Bureau is the current provider and there are no concerns with their performance.

5.2.7 Contract monitoring will take place on a quarterly basis.

5.3 **Social Value**

5.3.1 The Public Services (Social Value) Act 2012 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. Before commencing a procurement process, commissioners should think about whether the services they are going to buy, or the way they are going to buy them, could secure these benefits for their area or stakeholders. There is no definitive list of what those improvements could be. The Act is deliberately flexible, giving public bodies freedom to determine what best suits local needs, as well as providers the opportunity to innovate.

5.3.2 The specification for this service includes a social value section and the service aims to help service users to maximise their independence, supporting and empowering them to help themselves and, supporting demand management for statutory services.

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 (PCRs).

5.4.2 Regulation 72(1)(b) of PCRs says that contracts can be modified without a new procurement procedure where additional necessary services not included in the initial procurement are required from the original contractor and where a change of contractor:

- cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement, or
- would cause significant inconvenience or substantial duplication of costs for the contracting authority,

provided that any increase in price does not exceed 50% of the value of the original contract.

5.4.3 In addition, Regulation 72(1)(c) of PCRs says that contracts can be modified without a new procurement procedure where the need for modification has been brought about by circumstances which the council could not have foreseen, the modification does not alter the overall nature of the contract, and any increase in price does not exceed 50% of the value of the original contract.

5.4.4 In the case of reliance on Regulation 72 the council must send a notice to that effect, in accordance with Regulation 51, for publication.

- 5.4.5 Regulation 72 of PCRs also allows contract modifications where the modifications, irrespective of their value, are not substantial.
- 5.4.6 Legal understands that HB Public Law drafted the contract terms and conditions based on instructions received prior to the original tender completed for the Community Advice and Signposting and Specialist Information Advice and Advocacy Services. The Tender process was as advised by the Procurement Manager at the London Borough of Barnet.
- 5.4.7 HB Public Law will draft and complete the Deed of Extension and Variation to the current Community Advice and Signposting Contract.
- 5.4.8 As set out in Paragraph 1 of this Report and, although the variation of the contract will result in an increase in the contract value of £125,000 for the 1 year extension period and will come from the SIAA budget, the decision remains within the relevant authorisation and Budget. The council will also achieve savings as a result of decommissioning the SIAA service.
- 5.4.9 In accordance with the council's Constitution, Contract Procedure Rules, section 4.1 any Procurement, including extensions and variations to Contracts set out in the Annual Procurement Forward Plan and approved by the Policy and Resources Committee, is deemed as Authorised irrespective of the Contract value. Given the approval of the Annual Procurement Forward Plan 2020-21, the authorisation documentation for this decision is via Full DPR in consultation with the Theme Committee Chairman.

5.5 Risk Management

- 5.5.1 The extension to the CAS contract and the variation to the contract to include Care Act Advocacy is unlikely to raise any public concern as the service is already in operation and there will be minimal change/disruption for service users. Care Act Advocacy is already provided by the Provider commissioned to deliver the CAS contract (with sub contractual arrangements in place with Mind In Barnet). The approach recommended within this Report ensures continued compliance to statutory duties set out within the Care Act (information, advice, advocacy and prevention) and also allows the council to achieve quality in services and best value for money, by working with the Provider to develop a strengthened and streamlined offer.
- 5.5.2 By decommissioning the SIAA contract, there should not be a negative impact on residents as there is a diverse and robust information and advice offer in place which is accessible outside of the SIAA contract and the council will continue to comply with its statutory duties as set out under the Care Act regarding provision of information and advice for health and social care.
- 5.5.3 Risks of non-delivery will be managed by developing a strategic relationship with the Provider in relation to the contract and robust contract monitoring.
- 5.5.4 The risk that the new services and contract will not provide value for money has been mitigated by designing the service specification to reflect best practice.
- 5.5.5 There are no risks to the council with regards to the Transfer of undertakings (Protection

of Employment) Regulations 20016 ('TUPE').

5.5.6 The CAS contract secures the provision of social welfare advice to the most in need and targets support to those who most need it. The terms of the contract set out responsibilities to deliver a high-quality Community Advice Service in the borough. It provides for protection and remedies in the event of failure to achieve core service objectives as set out in the contract.

5.5.7 The CAS contract mitigates risk relating to the effects of welfare reform and the need for social welfare advice for vulnerable residents and those most in need of advice in the borough. Without the contract these residents would not be able to access advice and information about social welfare issues. Additionally, the Care Act Advocacy component which will be included within the CAS contract mitigates risk relating to vulnerable people who are Care Act eligible but who may not be able to advocate for themselves.

5.6 Equalities and Diversity

5.6.1 The core provisions of the Equality Act 2010 came into force on 1st October 2010 and the public sector equality duty (section 149 of the Act) came into force on 5th 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 for 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 regarding 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 contract for the CAS service includes explicit requirements fully covering the council's duties under equality legislation and the specification requires that hard to reach groups are to be identified and have the opportunity to receive the services.

5.6.5 The Equality Impact Analysis undertaken for this service found that there will be a positive impact through the changes recommended because the CAS service will continue as is and Care Act Advocacy will continue to be delivered under the CAS contract ensuring; that the council complies with its statutory duties set out within the Care Act whilst delivering better value for money for Barnet residents.

5.6.6 In relation to decommissioning SIAA, there is assurance that Barnet has a diverse and robust information and advice offer in place and therefore the council will continue to comply with its statutory duty set out under the Care Act regarding provision of information and advice for health and social care. Additionally, it should be noted that Barnet has a strong Black and Minority Ethnic (BME) community with good information and advice support available via numerous organisations for BME groups including Barnet Asian Women's Association (BAWA), Barnet African Caribbean Association (BACA), Farsi Community, Barnet Refugee Service (BRS), Chinese Mental Health Association (CMHA) etc.

- 5.6.7 The CAS contract provides that advice services for clients with special needs will be integral to service delivery. The CAS prioritises those clients with social needs and this is reflected in the contract and in the day to day operational delivery of the Service. The CAS service will continue to target resources to those most in need and there will be contract monitoring to ensure that the service meets the needs of hard to reach groups. The Provider will continue to be asked to provide statistical data and evidence that the service is fully accessible to all.
- 5.6.8 The service specification requires involvement and inclusion of the wider community in all areas of work. The success of engagement with the wider community and hard to reach groups will be monitored through the contract monitoring processes and the Provider will be required to address any anomalies where potential under-representation can be rectified or when an action has unintended consequences.
- 5.6.9 Further equality-specific measures may be developed with reference to projects or services as the contracts progress to ensure that the organisation acts in keeping with the council's public-sector equality duty.

5.7 Corporate Parenting

- 5.7.1 None in the context of this report.

5.8 Consultation and Engagement

- 5.8.1 Providers (both commissioned and non-commissioned) were given the opportunity to comment on the intended outcomes set out in the service specification when the service was initially tendered in October 2014.
- 5.8.2 As part of recommendations set out in this report the council has worked closely with the current Provider, Barnet Citizen's Advice Bureau, to identify opportunities to streamline and strengthen the offer.

5.9 Insight

- 5.9.1 N/A

6. BACKGROUND PAPERS

- 6.1 The Policy and Resources Committee agreed the Annual Procurement Forward Plan 2019/20 on 11th December 2018 which includes authorisation for Adults and Communities to extend the Community Advice and Signposting Contract and extend the service provision for Care Act Advocacy currently in situ.
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=9460&Ver=4>
- 6.2 Policy and Resources Committee, 6 January 2020, Annual Procurement Forward Plan 2020-21, line 173
<https://barnet.moderngov.co.uk/documents/s56940/Appendix%201%20Annual%20Procurement%20Forward%20Plan%20202021.pdf>

Chairman: Cllr Rajput
Has been consulted

Signed



Date

25th March 2020

Signed



Date

17th March 2020

REPORT CLEARANCE CHECKLIST

(Removed prior to publication and retained by Governance Service)

Note: All delegated powers reports must be cleared by the appropriate Senior Officer, Legal, Finance and Governance as a minimum. Report authors should also engage with subject matter experts from other service areas where this is required (e.g. procurement, equalities, risk, etc.). The name and date that the officer has cleared the report must be included in the table below or the report will not be accepted.

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AUTHOR TO COMPLETE TABLE BELOW:

Who	Clearance Date	Name
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Chairman	25/03/2020	Councillor Rajput
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Finance	25/02/2020	Altin Bozhani
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