

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	2163
Author:	Clare Gilbert
Department:	Children and Families
Contact:	Clare Gilbert (Job Title: Lead Commissioning Manager, Email: clare.gilbert@nottinghamcity.gov.uk, Phone: 01158764811)
Subject:	Advocacy Extension
Total Value:	£215,269 (Type: Revenue)
Decision Being Taken:	<p>To exercise the option to extend the POWHER contract for the main advocacy service and for the Care Act and Chesire West Pilots from 1st April 2016 until 30th September 2016.</p> <p>To exercise the option to extend the POWHER contract for the health advocacy service (formerly ICAS) from 1st April 2015 to 30th September 2016</p> <p>To grant dispensation from Contract Procedure Rule 5.1.2, in accordance with Financial Regulation 3.29, for the funding of £215,269 to meet these advocacy requirements from 1st April 2016 until 30th September 2016.</p> <p>To approve spend for the total contract value of £215,269.</p> <p>To note the intention to re-tender the whole service from October 2016 in partnership with the County Council.</p> <p>That the Head of Contracting and Procurement has delegated authority to sign a contract variation arising from the contract extension</p>
Reasons for the Decision(s)	<p>In March 2015 Delegated Decision number 1881 was approved. This decision requested approval to extend the current advocacy contract until March 2016 in line with Nottinghamshire County Council proposals who are the lead commissioners for the service. Subsequent to the decision being approved, the County Council was able to secure approval to further extend the contract until September 2016.</p> <p>This extension will enable commissioners to undertake a more robust assessment of the implications of the Care Act 2015 on the demands for advocacy services. The extension will provide 9 months worth of data regarding Care Act advocacy. This will inform the required scope for the new advocacy contract.</p> <p>The rationale for the main extension and the pilots is laid out in the former delegated decision.</p>

Other Options Considered:

Do nothing: Given that this is a joint contract between Nottinghamshire County Council and the City and County Clinical Commissioning Groups any decision by the Council to disinvest for any period of the contract will make the ongoing partnership arrangement unsustainable. The local authority has a statutory responsibility to provide a defined range of advocacy services which represents about two thirds of the value of the current contract.

Re-tender the service - this would not be achievable within the timescales. The County would not seek to re-tender at this time, so the City Council would lose the considerable benefits from the economies of scale as well as having to meet the full service costs and the statutory pressures.

Background Papers:

Unpublished background papers:

Exempt Advocacy Information2.docx, DelegatedDecision.pdf

Published Works:

Advocacy Provision - contract extension and variation DDM 1881

Affected Wards:

Citywide

Colleague / Councillor Interests:

Dispensation from Financial Regulations:

Yes

Exempt Information:

Description of what is exempt:

Financial Information

An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972

The public interest in maintaining the exemption outweighs the public interest in disclosing the information because it could prejudice negotiations

An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972

3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

The public interest in maintaining the exemption outweighs the public interest in disclosing the information because it could prejudice negotiations

Documents exempt from publication:

Advocacy Provision - Financial Observations.doc, Advocacy Exempt Information June.docx

Consultations:

Date: 24/07/2015

Ward Councillors: Alex Norris

TBC

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

Not applicable

Equality:

EIA not required. Reasons: No EIA required as the DDM does not seek to change the nature of the provision that has previously been authorised.

Decision Type:

Portfolio Holder

Subject to Call In:

Yes

Call In Expiry date:

17/09/2015

Advice Sought:

Legal, Finance, Procurement

Legal Advice:

This report does not raise significant legal issues as it is understood from discussions with the report author that the main advocacy contract together with the health advocacy provision can be extended by exercising an existing contractual option. The other contracts are pilots which are below the financial threshold for the new 'light touch procurement' regime which is currently £625K. Advice provided by Andrew James (Team Leader Contracts and Commercial) on 20/07/2015.

Finance Advice:

This advice is exempt from publication and is contained within an exempt appendix Advice provided by Darren Revill (Finance Analyst) on 06/07/2015.

Procurement Advice:

The proposal to extend the POHWER contract for the main advocacy service and for the Care Act and Cheshire West Pilots from 1st April 2016 until 30th September 2016, and to extend the POWHER contract for the health advocacy service (formerly ICAS) from 1st April 2015 to 30th September 2016 will enable commissioners to undertake a more robust assessment of the implications of the Care Act 2015 on the demands for advocacy services. The extensions will provide 9 months worth of data regarding Care Act advocacy and will inform the required scope for the new advocacy contract. Therefore dispensation from the provisions of the Contract Procedure Rules (5.1.2) in accordance with Financial Regulation (3.29) (Operational Issues) to allow for the extension of these contracts is supported from a procurement perspective.

Advice provided by Julie Herrod (Procurement Officer) on 09/07/2015.

Signatures

Alex Norris (PH for Adults, Health and Community Sector)
SIGNED and Dated: 10/09/2015
Alison Michalska (Corporate Director for Children and Adults)
SIGNED and Dated: 09/09/2015
Theresa Channell (Head of Corporate and Strategic Finance) - Dispensation from Financial Regulations
SIGNED and Dated: 18/08/2015
Chief Financial Officer's Comments: