

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

2411

Author:

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Department:

Children and Families

Contact:

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Subject:

Advocacy Provision

Total Value:

£92,351 over a 7 year period (Type: Revenue)

Decision Being Taken:

Approval is needed to:

Fund an additional £92,351 over the already agreed amount of £2.807m. The original amount of £2.807m was agreed at Commissioning & Procurement Sub-Committee on the 10th of February 2016. This is to fund the new advocacy contract commencing on the 1 October 2016 - 30 September 2023.

Approval is given to the Director of Adult Social Care to award and sign and enter into a contract following completion of the tender process.

Reasons for the Decision(s) The Council is legally bound to provide an advocacy service under the Mental Health Act 2005, Mental Health Act 2007, Care Act 2014 and in line with case law. In February 2016 the Commissioning & Procurement Sub-Committee agreed a new model of statutory advocacy, a joint tender process with Nottinghamshire County Council and agreed the sum of £2.807m.

Since this decision the demand for statutory advocacy has grown at a faster rate than originally anticipated. Nottingham City Council is also in the process of expanding its deprivation of liberty team which is likely to result in demand increasing further for statutory advocacy. It is therefore clear that the current resource allocated will not meet the current demand levels and any future growth.

It is difficult to predict the demand levels accurately but the new contract will be written in a way that it is able to respond effectively to demand levels. Any future increases in demand will need to be reviewed and brought back for a further decision.

At this current time it is predicted that an additional £92,351 over the seven year period of the contract should effectively meet demand levels.

Other Options Considered: To not increase the resource level - this is not an option as it would lead to Nottingham City Council not meeting its statutory responsibilities towards vulnerable adults who are at risk of losing their liberty. This option would leave the Council vulnerable to judicial challenge

Background Papers: Commissioning & Procurement Sub-Committee 10/2/16 - Commissioning of Statutory Advocacy Services

Unpublished background papers:

Published Works: Commissioning & Procurement Sub-Committee 10/2/16 - Commissioning of Statutory Advocacy Services

Affected Wards: Citywide

Colleague / Councillor Interests:

Consultations:

Date: 16/03/2016

Other: Councillor Alex Norris

Councillor Norris was sent an email briefing him of the need to allocate additional funds to the new advocacy contract.

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications: Not applicable

Equality: EIA not required. Reasons: EIA not required as the DDM does not seek to change the nature of the provision that has previously been authorised. The DDM relates to an increase in funding to fully meet the needs of people requiring statutory advocacy.

Decision Type: Portfolio Holder

Subject to Call In: No
The call-in procedure does not apply to the proposed decision because the delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The Chair of the Overview and Scrutiny Committee (or Vice-Chair) in his/her absence has been consulted and agreed both that the decision proposed is reasonable in all circumstances and that it should be treated as a matter of urgency.

Person Consulted: Cllr Brian Parbutt
Consultation Date: 08/04/2016
Exemption from call-in allows us to give notice of the availability of funding tomorrow and continue with the agreed timetable.

Advice Sought: Legal, Finance, Procurement

Legal Advice: The Council has a statutory duty to provide advocacy services to the user groups identified by the report author. The contract opportunity will be undertaken in compliance with procurement rules and the council's internal governance rules. Advice provided by Sarah O'Bradaigh (senior solicitor) on 24/03/2016.

Finance Advice: This decision reflects an additional funding requirement of £92,351 over the proposed life of the Advocacy Service which will be jointly procured with Nottinghamshire County Council. The funding is profiled as indicated below:

2016/17 (6 months - October 2016 to March 2017)	£15,167
2017/18 (12 months)	£20,336
2018/19 onwards (5.5 years @ £10,336 per year)	£56,848

The cost will be met through budget released as a result of the removal of the pay for performance framework from the Better Care Fund confirmed within the policy framework guidance issued in January 2016 by the Department of Health and Department for Communities and Local Government.

A further decision will be required if either the outcome of the tender results in the cost of the service exceeding the funding identified or increased costs arise from further unexpected growth, legislative or policy changes.

Advice provided by Darren Revill (Finance Analyst) on 29/03/2016.

Procurement Advice:

This decision relates to an increase to the contract amount for a service that will be fully tendered in compliance with EU regulations and in line with Council Contract Procedure Rules and Finance Regulations. The contract will be held jointly with Nottinghamshire County Council and the City and County Clinical Commissioning Groups. It is therefore supported from a procurement perspective. Advice provided by Kate Lowman (Lead Procurement Officer) on 22/03/2016.

Signatures

Alex Norris (Portfolio Holder for Adults and Health)
SIGNED and Dated: 07/04/2016
Alison Michalska (Corporate Director for Children and Adults)
SIGNED and Dated: 06/04/2016