

OFFICER DECISION RECORD

This form should be used to:-

- (1) record Executive decisions taken by officers which are non key decisions
- (2) record other non Executive decisions taken by officers

Decision Ref. No:

AHWB.027.2017interimIM
CA service

Box 1

DIRECTORATE:

Adults, Health and Well Being

Contact Name: Fay Wood
Interim Commissioning Manager.
Lisa Dornie, Contracts Officer

Tel. No: 01302 737817

01302 736091

Subject Matter: Statutory and non statutory advocacy services.

Box 2

DECISION TAKEN:

Independent Mental Health Capacity Act Service (IMCA).

1. To contract with Sheffield Citizens Advice Bureau (Sheffield CAB) from 1 April 2017 – 31 July 2017 for the provision of an IMCA Service for eligible residents of Doncaster.
2. To agree funding as follows: Total contract value for 4 month period £16,176.00 this is (based on information provided) anticipated uptake of 150 hours per month @ £26.96 per hour.

The decision to carry out a Direct Award to Sheffield CAB for the provision of an IMCA Service is recorded in signed CPR Waiver Reference Number: CPR/16/10/0007.

Box 3**RELEVANT BACKGROUND CONSIDERATIONS**

Doncaster Council is party to a tripartite arrangement until 31 March 2017 with Rotherham MBC and Sheffield City Council with Sheffield holding the contract. Rotherham and Sheffield are independently procuring the service going forward.

To continue to contract independently with Sheffield CAB to provide an interim arrangement for Independent Mental Capacity Act Advocates (IMCA) until the procurement of a holistic advocacy service comes on line in August 2017.

Doncaster MBC have a CPR Waiver in place to directly award the contract to Sheffield CAB to ensure Doncaster MBC are meeting their Statutory obligations and to align the contract with the procurement timeline for the 'Advocacy Hub'.

Case for Change.

Demand for advocacy services from users of health and social care services is increasing. The Care Act 2014 brought in new statutory obligations for Local Authorities to enable eligible service users and carers access to independent advocacy and the 2014 Supreme Court Judgement regarding Deprivation of Liberty Safeguards (DoLS) has seen an increase in demand for IMCA interventions. Additionally, significant areas of service redesign, changes in eligibility criteria and cuts to public services mean more people than before are seeking an independent voice to provide an improved service user experience.

Hence the need to develop a strategic approach to the way advocacy is commissioned in Doncaster so as to create the flexibility and capacity to future-proof these services whilst meeting increasing demand and improved service user, carer experience.

Box 4**CONSULTATIONS UNDERTAKEN:**

Consultation with the incumbent provider around the detail of contract has taken place as well as discussions to determine the appetite of a short term contract.

Discussion around adequate resource has also been undertaken to ensure the service is dedicated to Doncaster residents.

Internal colleagues from Commissioning and Safeguarding (DoLS) have also been consulted and have advised on the service specification.

Box 5**OPTIONS CONSIDERED & REASONS FOR THE DECISION:****Option 1** (Preferred option)

To Direct Award a short term contract to Sheffield CAB to continue to provide the current IMCA service. The contract will begin 1 April 2017 until 31 July 2017 to ensure continuity of this statutory service until a larger holistic procurement exercise for Advocacy services is completed.

Risks

Sheffield CAB may not wish to proceed and do not sign the contract

Mitigation

- Have had detailed discussions about the content of the contract with Sheffield CAB
- Sheffield CAB have agreed to the terms and monitoring information / meetings
- Price has been accepted
- Positive relationship building ongoing

Benefits

- Continuity of statutory service
- Familiar referral route for agencies and service users
- No transition to a new provider for a short period

Option 2

Do not approve the Direct Award of the short term contract to Sheffield CAB

Risks

- Would have to source the provision from elsewhere in a short period of time
- Transfer any waiting list / live cases to a new provider
- May cause confusion with referral pathways with short timescale

Mitigations

- Dialogue with alternative providers to check availability/resource.

Benefits

- No break in statutory service delivery

Option 3

Do not approve the procurement of the IMCA service

Risks

- This is not an option as the Local Authority has a statutory duty to provide advocacy.

Mitigations

- Procure services in line with Option 1.

Benefits

- None

Box 6

LEGAL IMPLICATIONS:

Section 1 of the Localism Act 2011 provides the Council with the power to do anything which an individual may generally do.

The Care Act 2014 and the Mental Capacity Act 2005 state that the Council must arrange for a person who is independent of the Council to be available to represent and support the individual for the purposes of facilitation the individual's involvement.

The decision maker must be aware of their obligations under section 149 Equality Act 2010, the Public Sector Equality Duty (PSED). It obliges public authorities, when exercising their functions, to have 'due regard' to the need to:

- a. Eliminate discrimination, harassment and victimisation and other conduct which the Act prohibits;
- b. Advance equality of opportunity; and
- c. Foster good relations between people who share relevant protected characteristics and those who do not.

The relevant protected characteristics under the Equality Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnerships, but only in respect of eliminating unlawful discrimination.

The decision maker must ensure that they have seen the due regard statement. The duty must be exercised in substance, with rigour, and with an open mind and is not a question of ticking boxes. It is for the decision-maker to decide how much weight should be given to the various factors informing the decision, including how much weight should be given to the PSED itself. The duty is a continuing one and there should be a record/audit trail of how due regard has been shown. It is not sufficient for due regard to be a "rear-guard action" following a concluded decision. The decision maker must also pay regard to any countervailing factors and decide the weight to be given to these, which it is proper and reasonable to consider; budgetary pressures, economics and practical factors will often be important.

A CPR waiver was approved on 9 November 2016 and therefore the direct award of contract is compliant with the Council's Contract Procedure Rules. Legal Services have prepared the contract which must be entered into before commencement of the services in order to protect the Council's interests

**Name: Rebecca Brookes Signature: By Email Date: 14/3/17
Signature of Assistant Director of Legal and Democratic Services (or representative)**

Box 7

FINANCIAL IMPLICATIONS:



Name: Chris Cowan **Signature:** By email FM/AH&W **Date:** 6/3/17
Signature of Assistant Director of Finance & Performance
(or representative)

Box 8

HUMAN RESOURCE IMPLICATIONS:

There are no Human Resources Implications

Name: Kelly Gunn **Signature:** By email **Date:** 07/3/2017


Signature of Assistant Director of Human Resources and Communications (or representative)

Box 9

PROCUREMENT IMPLICATIONS:

The CPR-16-10-2017-0007 was approved. The procurement implications are as stated on the CPR waiver and are as follows for this proposed value, the CPRs would require an exercise to obtain 3 verbal quotes, followed up in writing however, with the proposed short term nature of the extension due to the fact plans are in place for this service will form part of a wider advocacy service, it would not be practical or the best use of resources to undertake a quotation exercise at this time. It also ensures the delivery of a statutory service.

This is support on the understanding a fully compliant procurement exercise for the wider proposed advocacy service is undertaken in a timely manner

Name:Holly Wilson, Senior Category Manager **Signature:** 
Date: 09/03/2017
Signature of Assistant Director of Finance & Performance
(or representative)

Box 10

ICT IMPLICATIONS:

There are no ICT implications in relation to this decision

Name: Peter Ward (ICT Strategy Programme Manager)
Signature:  **Date:** 3/3/17

Signature of Assistant Director of Customers, Digital & ICT
(or representative)

Box 11

ASSET IMPLICATIONS:

There are no implications arising from the recommendations of this report that impact on the use of DMBC assets.

Name: Gillian Fairbrother (Assets Manager, Project Co-ordinator)
Signature: By email **Date:** 6th March, 2017

Signature of Assistant Director of Trading Services and Assets
(or representative)

Box 12

RISK IMPLICATIONS:

To be completed by the report author

Doncaster Council have a statutory duty to provide an IMCA Service. The existing contract shared with Sheffield and Rotherham Council is ending on 31 March 2017. A Direct Award to Sheffield CAB allows a continuity of service for Doncaster until the holistic advocacy service comes on line in August 2017.

Name: Fay Wood **Signature:**  **Date:** 03 03 17 (Report author)

(Explain the impact of not taking this decision and in the case of capital schemes, any risks associated with the delivery of the project)

Box 13

EQUALITY IMPLICATIONS:

To be completed by the report author

IMCA is a Statutory Duty

Name: **Fay Wood** Signature:  Date: 03/3/2017 (Report author)

Box 14

CONSULTATION

Doncaster Council does not directly contract for the provision of IMCA. Sheffield City Council holds the IMCA contract. Sheffield Council have carried out their own customer satisfaction and feedback on the services through monitoring and analysing final reports.

Officers

(In addition to Finance, Legal and Human Resource implications and Procurement implications where necessary, please list below any other teams consulted on this decision, together with their comments).

Chris Stephenson, Executive Office has been informed of this piece of work.

Members

Under the Scheme of delegation, officers are responsible for day to day operational matters as well as implementing decisions that have been taken by Council, Cabinet, Committee or individual Cabinet members. Further consultation with Members is not ordinarily required. However, where an ODR relates to a matter which has significant policy, service or operational implications or is known to be politically sensitive, the officer shall first consult with the appropriate Cabinet Member before exercising the delegated powers. In appropriate cases, officers will also need to consult with the Chair of Council, Committee Chairs or the Chair of an Overview and Scrutiny Panel as required. Officers shall also ensure that local Members are kept informed of matters affecting their Wards.

Please list any comments from Members below:

Councillor Jones, Adult Social Care portfolio holder has been made aware of this work

Box 15
INFORMATION NOT FOR PUBLICATION:

It is in the public's interest to be aware of this decision under the Freedom of Information Act therefore this decision will be published with redactions of financial figures in boxes 7 which are considered to be commercially sensitive and signatures.

Name: Amy Haughan Signature: by email Date: 30/03/2017
Signature of FOI Lead Officer for service area where ODR originates

Box 16

Signed: _____

Director/Assistant Director

Date: 30-3-17

I have consulted on the above decision, (for use if it is considered appropriate to consult the relevant member in taking a decision).

* Signature of Mayor or relevant Cabinet Member (portfolio holder) (if appropriate):

Signed: _____

Date: _____

* Signature of Chair of OSMC or relevant Standing Scrutiny Sub-Committee (if appropriate):

Signed: _____

Date: _____

* Signature of Chair of Committee (for Non Executive functions, if appropriate):

Signed: _____

Date: _____

- This decision can be implemented immediately
- A record of this decision should be kept by the originating Directorate's Business Assistant for accountability and published on the Council's website 'How do I?' section via 'Access decisions made by the Council'.
- A copy of this decision should be sent to the Directorate FOI Lead Officer to consider 'information not for publication' prior to being published on the Councils Website.