

REPORT TO: Cabinet Member for Health and Social Care

DATE: 16th March 2011

SUBJECT: Independent Mental Capacity Advocacy Procurement

**WARDS
AFFECTED:** All

REPORT OF: Robina Critchley
Adult Social Care Director

**CONTACT
OFFICER:** Barry Robinson
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**EXEMPT/
CONFIDENTIAL:** N/A

PURPOSE/SUMMARY: The purpose of this report is to seek approval to extend the current Independent Mental Capacity Advocacy (IMCA) contract for a period of up to 3 months and approve the re-procurement of the service via a competitive tender exercise.

REASON WHY DECISION REQUIRED:

The current contract for the provision of an IMCA service is due to end and arrangements need to be put in place to ensure continuity of service

RECOMMENDATION(S):

1. That the current IMCA contract with Advocacy Experience is extended for a period of up to three months
2. That following completion of the competitive procurement exercise the successful bidder is awarded a contract until 31st March 2014 with an option to extend for a further 2 years subject to satisfactory performance.

KEY DECISION: No

FORWARD PLAN: No

IMPLEMENTATION DATE: March 2011

ALTERNATIVE OPTIONS:

There is no alternative, value for money option to the current procurement process.

IMPLICATIONS:**Budget/Policy Framework:**

Financial: Funding for the contract is contained within the Adult Social Care Revenue budget

<u>CAPITAL EXPENDITURE</u>	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £	2013/ 2014 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? N	N/A			
How will the service be funded post expiry?	N/A			

Legal: Provision of an IMCA service is a statutory duty of local authorities

Risk Assessment: N/A

Asset Management:**Consultation Undertaken/Views**

The Head of Corporate Finance and Information Services has been consulted and his comments have been incorporated into this report **FD670/11**

The Head of Corporate Legal Services has been consulted and has no comments on this report - **LD0062/11**

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Creating Safe Communities		√	
3	Jobs and Prosperity		√	
4	Improving Health and Well-Being	√		
5	Environmental Sustainability		√	
6	Creating Inclusive Communities		√	
7	Improving the Quality of Council Services and Strengthening local Democracy		√	
8	Children and Young People		√	

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

None

Background

The requirements of the Mental Capacity Act 2005 make provisions for an IMCA service to be provided for adults who lack capacity in certain areas of decision making (changes of accommodation, serious medical treatment and adult protection) and as an additional safeguard for people liable to the provisions of the Deprivation of Liberty Safeguards.

The provision of the IMCA service is a statutory responsibility of Local Authorities.

In 2007 an IMCA service was jointly commissioned by Sefton and Liverpool Councils. The contract was for three years with the service being provided by an independent advocacy organisation, Advocacy Experience.

This contract was subsequently extended until March 2011 and is currently subject to a further joint procurement exercise between the two councils. The process, which began in November 2010, is being led by the Liverpool Council Corporate Procurement Unit. Unfortunately, a number of factors have resulted in delays in the process and it is unlikely that the new contract will be able to commence in April 2011.

Councils receive Department of Health funding to enable them to deliver their statutory duties under the Mental Capacity Act (MCA), including the provision of an IMCA service. This resource is currently made available to Councils through the Area Based Grant. Local Authority Circular LAC (DH) (2010) 3 sets out future funding arrangements. From financial year 2011/12 the MCA funding will be delivered through Formula Grant at an amount based on 2010/11 allocations. In 2010/11 Sefton Council was allocated £190,892 to meet its duties under the Mental Capacity Act. The resource was allocated in two parts; 60% to meet the main requirements of the MCA, including training and the IMCA service, and which continues unchanged into the future, and 40% to meet the Council's duties under the Deprivation of Liberty Safeguards. The MCA component remains constant over the future. The Deprivation of Liberty Safeguards element will reduce by 5% each year until 2015 and then reach steady state at 75% of the 2010 level.

This report seeks approval to extend the current contract (annual cost £60,200) for up to 3 months to allow completion of the procurement exercise and adequate time for handover to a new provider should the incumbent provider be unsuccessful in their bid to continue with the service.

In addition, approval is sought to re-commission the service for a period of three years following completion of the procurement exercise. It is expected that the preferred provider will be known by 24th February 2011 and reported to the Cabinet Member.