

Record of officer decision

Decision title:	Independent Advocacy contract variation
Date of decision:	August 23, 2021
Decision maker:	Ewen Archibald –Assistant Director for All Age Commissioning
Authority for delegated decision:	Chief Executive Scheme of Delegation – Updated 7 June 2021 Line SA09.
Ward:	All wards
Consultation:	None
Decision made:	To amend the contract with Onside Advocacy for the provision of advocacy services to appropriately reflect arrangements relating to ordinary residence.
Reasons for decision:	<p>On 1st August 2021 a new contract for the provision of Independent Advocacy was undertaken by the provider Onside Advocacy. The award of the contract followed an open tendering process, during which a draft contract for the service was provided, in accordance with procurement rules.</p> <p>The council has now reflected upon clarifications during the procurement process, along with considering established arrangements for advocacy provision in Herefordshire and wider custom and practice. It has consequently been concluded that a small amendment is required to paragraph G.5.2 of the contract to ensure that it is consistent with those considerations.</p> <p>With the proposed amendment, the paragraph would read;</p> <p>For the purposes of Care Act Advocacy, where a person is living in Herefordshire, for example in a care home or shared lives scheme, but that person is recognised as being ordinarily resident in another local authority area, it will be the responsibility of that local authority to pay for those advocacy services. Similarly, Herefordshire Council will be responsible for purchasing Care Act Advocacy services for people ordinarily resident in Herefordshire, but who have been placed in accommodation in another local authority area.</p> <p>The amended text would be fully consistent with the Care Act 2014, notably with regard to provisions relating to ordinary residence. In particular it would ensure that the council would only pay for advocacy where it was the local authority responsible for funding an individual's care. General practice is that where a commissioned advocacy provider is asked by a another local authority to arrange advocacy for an individual living or placed in care locally, the costs of the advocacy will be met by the external council making the request.</p>

<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p>As noted above there is a risk, if the wording of the contract is not changed, that funding for the contract, which is intended to cover the costs of advocacy services for Herefordshire residents, will also be used to support the provision of services to people who are ordinarily resident in another area. This could result in a potential overspend of the council's budget and insufficiency of advocacy services to meet appropriate local need.</p> <p>There is no specific risk identified from the proposed amendment to the contract.</p>
<p>Details of any alternative options considered and rejected:</p>	<p>Do not amend the contract document. This is not recommended as it would give rise to the risks noted above in the availability and cost of advocacy services.</p>
<p>Details of any declarations of interest made:</p>	<p>None</p>

Signed..... Date: / / 2020