

Record of operational decision

Decision title:	Decision to approve a nine-month extension to the Adults Independent Advocacy Service contract with Onside Ltd	
Date of decision:	2 nd October 2026	
Decision maker:	Corporate Director Community Wellbeing	
Authority for delegated decision:	Chief Executive's scheme of delegation: CW-08, Commissioning, quality assurance and contract management relating to all ages. The Corporate Director Community Wellbeing is authorised to take this decision under the council's Contract Procedure Rules.	
Ward:	Countywide	
Consultation:	Commercial Services and Legal Services were consulted on the proposed modification. The current provider, Onside Advocacy, has confirmed they will accept the extension to the current contract.	
Decision made:	To approve a nine-month extension to the Adults Independent Advocacy Service contract with Onside Ltd, from 1 November 2026 to 31 July 2027, at a value of £155,960.24. The extension will continue the existing service and contractual deliverables without any material change to scope. The revised aggregate contract value will be £1,247,682.00. Legal Services will formalise the extension through a Deed of Variation.	
Reasons for decision:	The Adults Independent Advocacy Service delivers statutory advocacy duties on behalf of Herefordshire Council, including duties arising under the Care Act 2014, Mental Capacity Act 2005, Mental Health Act 1983 and Health and Social Care Act 2012. Continuity of this provision is therefore required. The Supreme Court's June 2026 AGNI judgment on ' what constitutes a deprivation of liberty ', has changed the approach to determining whether a person is deprived of their liberty. It replaced the Cheshire West single "acid test" with a multifactorial assessment that considers the person's individual circumstances and the type, duration, effects and manner of implementation of restrictions. The judgment may significantly affect the number and nature of deprivation of liberty authorisations and associated advocacy requirements, including paid Relevant Person's Representative referrals. Early local evidence indicates a reduction in DoLS authorisations and an anticipated reduction in some advocacy referrals. However, the longer-term implications for demand, eligibility, safeguarding, social care responsibilities and the future advocacy service model remain uncertain.	

	The council has therefore paused the current reprocurement. The extension will allow sufficient time to monitor demand, assess emerging guidance, engage with relevant stakeholders and revise the future service specification before recommencing procurement. It will also avoid procuring a service model that may require significant amendment shortly after commencement.	
Equality Considerations	Under section 149 of the Equality Act 2010, the council must have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The decision is expected to support equality of opportunity by maintaining uninterrupted access to statutory independent advocacy for eligible people, including individuals who may have disabilities, mental health needs, communication difficulties or impaired capacity. Continuing the existing service during the review period will help ensure that people remain supported to understand their rights, express their wishes and participate in decisions affecting their lives. The extension does not change the eligibility criteria or scope of the current service. The effects of the AGNI judgment on access to advocacy will be monitored during the extension period so that any emerging risks or inequalities can inform the future service model and specification.	
Highlight any associated risks/finance/legal/equality considerations:	Finance: The variation is valued at £155,960.24 and will be funded from the existing approved budget. The extension maintains the current contractual arrangements and avoids additional procurement and transition costs during a period of uncertainty. Legal and procurement: Commercial Services and Legal Services have confirmed that the proposed extension is a non-substantial modification permitted under Regulation 72(1)(e) of the Public Contracts Regulations 2015. It does not materially alter the scope or overall nature of the contract or introduce new services. A Contract Modification Notice is not required. As the original contract was executed as a deed, the extension must be formalised by a Deed of Variation and sealed by Legal Services. Service continuity: Without the extension there would be a risk of interruption to essential statutory advocacy provision. This will be mitigated by continuing with the existing provider while the council reviews future requirements. Demand and safeguarding: Changes arising from the AGNI judgment may alter referral volumes and transfer responsibilities across services. Referral patterns, caseloads, safeguarding issues and provider capacity will be monitored throughout the extension.	
Details of any alternative options considered and rejected:	Proceed with the current procurement: Rejected because the future service model and specification may not accurately reflect the changed legal position, emerging guidance or revised demand. This could require substantial changes soon after contract award.	

	Do nothing and allow the contract to end: Rejected because this would risk a gap in statutory advocacy provision and could adversely affect eligible people who require independent support. A time-limited extension with the existing provider is considered the most proportionate and least disruptive option.	
Details of any declarations of interest made:	No declarations of interest have been made.	