

Written statement of a key decision
Cabinet member health and adult wellbeing

Title	Recommissioning of Independent Advocacy Services
Decision maker	Cabinet member health and adult wellbeing Information about cabinet, including the names and contact details of the cabinet members, can be found here: http://councillors.herefordshire.gov.uk/mgCommitteeDetails.aspx?ID=251
Date of decision	3 February 2021
Report exemption class	Open
Reason for being a key decision	<p>This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A threshold of £500,000 is regarded as significant.</p> <p>This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.</p>
A notice was served in accordance with Part 3 (Key decisions) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.	
General exception or special urgency (as defined in the constitution)	No
Purpose	To approve the recommissioning of Independent Advocacy Services for adults by means of an open tender process. The current contract to deliver independent advocacy expires on 31 July 2021
Decision	<p>That:</p> <p>(a) the commissioning of an independent advocacy service for adults through an open procurement process be approved;</p> <p>(b) the director for adult and communities be authorised to take all operational decisions necessary to</p>

	implement the service including award of contract for the independent advocacy service for a period of up to five years and with a maximum value of £1.1m.
Reason for the decision	As set out in the report. Documents relating to this decision are available at http://councillors.herefordshire.gov.uk/mgIssueHistoryHome.aspx?IId=50036010
Options considered	<ol style="list-style-type: none"> 1. Not to procure an independent advocacy service for adults. This is not recommended as this would mean the council will fail to meet statutory duties in respect of Mental Capacity Act 2005, Mental Health Act 1983 as amended, Health and Social Care Act 2012 and Care Act 2014. As the Care Act regulations stipulate, advocacy must be independent of the local authority, operated by an organisation with its own constitution, code of practice and complaints procedure. Therefore it is not appropriate to deliver this service in house and an external provider must be commissioned to deliver advocacy services. 2. To extend the contract or make a direct award to continue the service with the current provider during this time of uncertainty around legislative changes. This option is not recommended as the current governance does not extend to cover further extensions to the existing contract. There is also sufficient time to go out to full competitive tender, which the current provider may bid for, with a revised contract and specification reflecting the current and anticipated future requirements of an advocacy service, whilst ensuring a fair and competitive review of the current market and achieving the best value service offer.
Declarations of interest (see below)	
Call-in expiry date (decisions are not subject to call-in where special urgency provisions apply)	9 February 2021

Councillor: Cabinet member health and adult wellbeing (Councillor Pauline Crockett)	Date 3 February 2021
-------------------------------------------------------------------------------------------------	----------------------

- a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision;

and

- in respect of any declared conflict of interest, a note of dispensation granted.