

# Wiltshire Council

## Cabinet

16 January 2024

---

**Subject:                    Recommissioning for the Provision of Advocacy Services for Adults**

**Cabinet Members: Cllr Laura Mayes - Deputy Leader and Cabinet Member for Children's Services, Education and Skills; and**

**Cllr Jane Davies - Cabinet Member for Adult Social Care, SEND and Inclusion**

**Key Decision:            Key**

---

### **Executive Summary**

The purpose of this report is to recommend that Cabinet approve the recommissioning of an Advocacy Service to deliver Statutory Advocacy for Adults.

The provision of an independent Advocacy Service by a Local Authority is a statutory obligation.

The Council's contracted spend for the current Whole Life Advocacy Service from 01/07/2020 to 30/06/2024 will be £1,794,994.00. In addition to this contracted spend there has been unbudgeted spend for advocates to meet referral need which either: (a) falls outside of the current contracted provision (i.e. referral for a Wiltshire funded child, young person or adult in an Acute Hospital or an out of county placement) or, (b) due to the urgency of a referral, there is no contracted advocate available to take the referral forward in the timescale identified; or (c) the referral relates to a court proceeding or a complex case and continuity of advocate is required.

The demand for advocates continues to increase. To ensure unbudgeted Spot spend is minimalised, additional budget would be required to acquire greater advocacy capacity to reduce the requirement for Spot purchasing.

To co-design a specification for a recommissioned Advocacy Service for Adults, engagement with young people and adults who have, or may require advocacy, has taken place; together with engagement with professionals who refer into an Advocacy Service. The feedback provided will inform the service design for a recommissioned service.

An essential element to be provided by an Advocacy Service is Peer Advocacy and the promotion of Self-Advocacy, which enables people to develop skills to potentially self-advocate in the future. A strong emphasis on both Peer Advocacy and Self-Advocacy will be designed into the Adults Advocacy Service.

## **Proposals**

Cabinet is recommended to agree the following proposals:

- 1) To the procurement and award of an independent Advocacy Service for Adults, to focus on Statutory advocacy.
- 2) To the development of a Service Specification for a commissioned supplier to deliver a Statutory Advocacy Service for Adults, which is informed by the views of people who have accessed advocacy, or who may access advocacy in the future, and the people who support them, together with those professionals, stakeholders and funding partners, who refer people for advocacy services.
- 3) The decision to award an Adults Advocacy Service contract is delegated to the Director of Commissioning, by the Corporate Director for Resources & Deputy Chief Executive in consultation with the Cabinet Member for Adult Social Care, SEND and Inclusion,
- 4) The decision how to deliver the Advocacy Service for Children and Young People is delegated to the Corporate Director of People, in consultation with the Deputy Leader and Cabinet Member for Children's Services, Education and Skills, to include either an in-house or commissioned service and the decision to award such a service.

## **Reason for Proposals**

The purpose of this paper is to provide an update to Cabinet on the status of the Council's contracted Whole Life Advocacy Service which is delivered by an external Advocacy Supplier and which expires on 30/06/2024.

The current contract delivers a Whole Life Advocacy Service to children, young people and adults and delivers both Statutory and Generic Advocacy.

The provision of an independent Advocacy Service fulfils the Council's statutory obligations. Therefore, a recommissioned Advocacy Service should be in place from 01/07/2024.

The procuring of an independent Advocacy Supplier to deliver Statutory Advocacy for Adults under a procurement process will ensure that a contract is awarded to a Supplier who has been vetted to ensure they adhere to legal and quality standards together with financial parameters and ensures continuity of service for residents.

**Terence Herbert**  
**Chief Executive**

# Wiltshire Council

## Cabinet

16 January 2024

---

**Subject:**                    **Recommissioning for the Provision of Advocacy Services for Adults**

**Cabinet Members:** **Cllr Laura Mayes - Deputy Leader and Cabinet Member for Children's Services, Education and Skills; and**

**Cllr Jane Davies - Cabinet Member for Adult Social Care, SEND and Inclusion**

**Key Decision:**        **Key**

---

### **Purpose of Report**

1. This report outlines the statutory obligation of a local authority to provide an independent Advocacy Service.
2. The outcome sought is for Cabinet to approve the recommissioning of a Statutory Advocacy Service for Adults.
3. The recommendation is that an independent Advocacy Service for Adults is recommissioned for a contracted term of 3 years with an option to extend for 1 year.

### **Relevance to the Council's Business Plan**

4. Wiltshire's commissioning priorities for 2023/24 are:
  - to ensure services are in the right place at the right time
  - ensure right people receive services in the right place
  - individuals receive the right services at the right price
5. Wiltshire's Market Position Statement (MPS) for Whole Life Commissioning emphasises that people should receive the support they need at the earliest opportunity to live independently and safely within their local community.
6. An Advocacy Service for Adults contributes to the Council's Business Plan guiding themes of:
  - Prevention and early intervention
  - Improving social mobility and tackling inequalities
  - Understanding communities
  - Integration

It does this by:

- Providing an independent Advocacy Service to Adults
- Supporting the most vulnerable adults to ensure their voice is heard and acted upon

- Supporting front line staff to help keep vulnerable adults safe; and to provide advocates where required, as an example, to support with acute hospital discharges to enable a person to return home
- Providing employment and volunteering opportunities
- Providing support for, and promoting, Peer Advocacy together with Self-Advocacy

### **Main Considerations for the Council**

7. The Council has a statutory duty to provide an independent Advocacy Service and the commissioned Advocacy Supplier will support some of Wiltshire's most vulnerable adults to ensure their voice is heard and that their wishes are acted upon in their best interest.
8. There has been an increase in demand for advocacy support since the duty to provide Independent Mental Advocacy transferred to Local Authorities on 01/04/2013 together with the introduction of the Care Act in 2014.
9. Since the Whole Life Advocacy Service commenced in 2019, there has been a rise in advocacy referrals across both children, young people, and adult services. Due to the increase in advocacy referrals for Deprivation of Liberty Safeguards (DoLS), and in preparation for the not yet implemented legislation Liberty Protection Safeguards, additional advocacy capacity was purchased for 2022 and 2023 to support this need.
10. In the council's CQC Self-Assessment Form, the Advocacy Service was reflected positively; it was noted there were gaps in service provision which would be addressed at a recommissioning. With a reduction in budget available, there will be a need to reduce the service currently in place. A reduced budget is the result of: loss of Integrated Care Board contribution towards the Generic element of an Advocacy Service of £109,247.00 per annum and children's budget of £75,000.00 to be used to implement an In-house Advocacy Service for children and young people. This budget reduction will be managed by removing Generic Advocacy from the recommissioned service for adults and the service will support Statutory Advocacy only.

### **Co-Production**

11. To ensure a recommissioned service is co-designed, the Whole Life Commissioner is working with a range of stakeholders including operational and finance colleagues to identify and address the current gaps in service provision; and to ensure there is greater clarity with regards to key performance indicators, data and case studies that are captured to better reflect the 'impact' which an advocacy service has for people.
12. The council utilises the Service User Engagement contract, working with the Wiltshire Centre for Independent Living (WCIL), who engage with families and people who use services, working with those with lived experience to get their views and input. This is done through focus groups, speaking to individuals, completing surveys, facilitating forums, or holding information cafes, to ensure that individuals living in Wiltshire can have a voice to help to shape health and social care services.
13. The Wiltshire Centre for Independent Living (WCIL) has undertaken engagement with people, families, and carers; who have used an Advocacy Service or may in the future, to identify what a good advocacy service looks like and to understand any barriers to receiving advocacy.

14. Feedback from stakeholders who refer into an Advocacy Service has been obtained and their comments will be used to co-design a new Service Specification for Adults.
15. The decision does accord with budget requirements for a new Advocacy Service for Adults. The available budget for the new contract is £268,140.00 per annum. A reduction in budget from the current contract is the result of: loss of Integrated Care Board contribution towards the Generic element of an Advocacy Service of £109,247.00 per annum and children's budget of £75,000.00 to be used to implement an In-house Advocacy Service for children and young people. There is not a sufficient budget to procure a service equivalent to the current contract in place, therefore the recommendation is that the new Advocacy Service will be for Statutory advocacy only and Generic Advocacy will be removed from future service provision.

### **Overview and Scrutiny Engagement**

16. The governance process followed has been by way of Options Paper submitted to the council's Governance Board and reviewed at the Wiltshire Locality Commissioning Group and Cabinet Report.
17. This Cabinet Report is to request a Cabinet decision on the recommissioning of an Advocacy Service for Adults.

### **Safeguarding Implications**

18. The commissioned Advocacy Supplier will be required to fully comply with all Legislation and Best Practice requirements around Safeguarding Adults as set out in the Service Specification and Contract for the term of the contract.
19. The role of an Advocate is to work with vulnerable people to ensure their voices are heard and that their wishes are upheld and to have a positive impact on a person's wellbeing.

### **Public Health Implications**

20. An Advocacy Service is designed to be inclusive and is available to adults who have a Statutory requirement for advocacy, as outlined in the Service Specification and Contract.

### **Procurement Implications**

21. The Advocacy Service for Adults will be procured using the open procedure (advertised openly, via Supplying the South West procurement portal, to all bidders, so that they can participate in the tender opportunity), and this will be the direct route to market.
22. Careful analysis of the route to market and supplier base will be undertaken via the Sourcing Plan, to ensure that the best procurement methodology will be undertaken.
23. Preliminary market engagement will be undertaken to advise the market of the opportunity and we will look to attract any new entrants who may be interested in this opportunity, via this mechanism.

24. Commissioning will be directly working with Procurement to deliver the Advocacy Service to Adults. The chosen Supplier will be selected after completion of a fully compliant tender process which complies with the Council's own Constitution as well as the Public Contract Regulations 2015, as this will be an above threshold services tender.

### **Equalities Impact of the Proposal**

25. An Equalities Impact Assessment has been undertaken.

26. An Advocacy Service, from a commissioned supplier will have a positive impact on adults who have a Statutory Advocacy need.

27. To ensure a recommissioned Adults Advocacy Service is co-designed, we are working with a range of stakeholders including operational and finance colleagues to identify priority gaps in service provision; and to ensure there is greater clarity with regards to key performance indicators, data reporting and case studies that is captured to better reflect the 'impact' which an advocacy service has for people.

28. Access to the Adults Advocacy Service by protected groups will be reported on during the contract term.

29. The performance of the Advocacy Service for Adults will be monitored through quality systems and performance management, monitoring and reporting. The Advocacy Supplier for Adults will report on Key Performance Indicators and the council's commissioners will be responsible for monitoring and reviewing reports and ensuring any improvement actions are completed.

### **Environmental and Climate Change Considerations**

30. This proposal aligns with the Council's draft Climate Strategy, and particularly its commitment to carbon neutrality by 2030.

31. Energy consumption associated with the recommissioned Advocacy Service will remain roughly at current levels due to the scope of the current service versus the recommended new services. The current Advocacy Service advocates are based at various locations within county or on the borders of Wiltshire, and location of advocate to customer is a consideration when allocating an advocate.

32. An Advocacy Service will offer both face to face and an on-line platform, where appropriate, thereby reducing the requirements for travel.

33. For those Wiltshire funded customers who are living out of county, in those counties identified within the Service Specification, the tender process will cover questions to address how best to support these people and the Service Specification will include details around travel and mileage, any costs associated with travel being the responsibility of the Supplier to fund.

### **Workforce Implications**

34. These proposals relate to the recommissioning of an Adults Advocacy Service commissioned by an external Supplier.
35. TUPE arrangements will apply from an Outgoing Supplier to the Incoming Supplier who is awarded the recommissioned Adults Advocacy Service contract.

**Risks that may arise if the proposed decision and related work is not taken.**

36. The key risk if the proposed decision is not taken. It is a statutory requirement for the Council to have an independent Advocacy Service in place.

**Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks.**

37. The key risk is the identified resource and capacity required to meet need, the impact of increased demand results in additional finances required to support the need.
38. This can be mitigated to a degree by identifying an Advocacy Supplier who can maximise their resources by recruiting and training volunteer advocates to support with appropriate referrals thereby ensuring the paid Advocates are working with the most vulnerable people who require Statutory Advocacy.

**Financial Implications**

39. The available budget for the new Adults Advocacy Service contract is £268,140.00 per annum. This is not a sufficient budget to procure an Advocacy service equivalent to the current service in place, therefore the recommendation is that the new Adults Advocacy Service will be for Statutory Advocacy only and Generic Advocacy will be removed from future service provision. A reduction in budget is the result of loss of Integrated Care Board contribution towards the Generic element of an Advocacy Service of £109,247.00 per annum and children's budget of £75,000.00 to be used to implement an In-house Advocacy Service for children and young people.

**Legal Implications**

40. Legal Services will prepare a Contract to support a recommissioned Adults Advocacy Service.
41. An Adults Advocacy Service is designed to fully meet the statutory responsibilities for a Local Authority to provide an advocacy service and this Service will ensure that Wiltshire Council meets its statutory duty to those adults who require access to an advocate.

**Options Considered**

42. The following Options have been considered:

- 1) **To recommission a Whole Life Advocacy Service for Statutory Advocacy, to include those identified service gaps for Statutory provision for those Wiltshire funded out of county CYP and Adults and to include those identified counties neighbouring Wiltshire, as a single contract.**

**Risks:**

- There is insufficient budget allocated to meet this need. A reduced budget is the result of: (1) loss of Integrated Care Board contribution towards the Generic element of an Advocacy Service of £109,247.00 per annum; (2) A children's budget of £75,000.00 to be used to implement an In-house Advocacy Service for children and young people.
- There is still a considerable risk that spot spend will be required over and above a contracted service, especially for those people placed out of county, although the recommendation is to include neighbouring counties within the new service, there are people placed much further afield which will not be covered within the contract. The identified gaps are ones identified over the course of a 3 year contract, so Spot spend should be reduced.
- Non-statutory advocacy for Community Mental Health would not be included within a contract. There are community services available to support people with mental health.

**Benefits:**

- To meet the local authority's statutory duty to deliver an independent advocacy service.
- It is in line with the 2019 Delegated Cabinet decision made to move towards a Whole Life Advocacy Service.
- To deliver an Advocacy Service which meets the needs of the people.
- To support those Wiltshire Council funded CYP and Adults who are in an OOC placement.
- To reduce the spot spend on advocacy provision

**2) To recommission a Whole Life Advocacy Service with the option of two Lots to deliver an advocacy service with identified service gaps for Statutory provision for out of county (OOC) CYP and Adult, in counties neighbouring Wiltshire. Lot 1 (advocacy supplier for children and young people); and Lot 2 (advocacy supplier for adults)**

**Risks:**

- This option goes against the council's decision made in 2019 to move to a Whole Life advocacy service with one supplier.
- However, it is noted that services need to adapt and change to meet the needs of those people using services, and a change of decision making may be required.
- There is insufficient budget allocated to meet this need. A reduced budget is the result of: (1) loss of Integrated Care Board contribution towards the Generic element of an Advocacy Service of £109,247.00 per annum; (2) A children's budget of £75,000.00 to be used to implement an In-house Advocacy Service for children and young people.
- A referral process for people who are placed out of county would need to be robustly managed.
- There is a risk that two separate suppliers could be awarded. Therefore, reducing the joint advocacy capacity ability to manage waiting lists. Identified advocates would work with both children and adults, if within the same supplier, this is possible. If two suppliers, this is not possible.
- Advocacy capacity on a Whole Life Contract can be shared across CYP and Adults to better manage waiting lists – this would be reduced with separate contracts.
- There is a risk to children and young people who then 'fall of the cliff edge' between a children's and adults' supplier.



- If the contracts were split out - there is a significant risk that insufficient budgets are allocated to meet need on either contract or no flexibility between the two.
- There would still be a risk that spot spend is required over and above a contracted service.

**Benefits:**

- Assists with supplier marketplace shaping and potential for awarding to smaller suppliers, rather than one supplier.
- Ensures that suppliers understand need to demonstrate strong focus on requirements of children and young peoples' service.

**3) To commission separate advocacy services for children, young people and adults. This will include: (1) a contracted supplier to deliver Statutory Advocacy for Adults to include those identified service gaps for Statutory provision for OOC Adults, in those identified counties neighbouring Wiltshire; (2) an In-house advocacy service to support CYP. [Adults service will be for 18+ years; CYP in-house service for 5-17 years and to include the 18-25 SEND cohort].**

**Risks:**

- This option goes against the council's decision made in 2019 to move to a Whole Life Service.
- However, it is noted that services need to adapt and change to meet the needs of those people using services, and a change of decision making may be required.
- The in-house service for CYP and the contracted service for adults will be required to work closely to minimalised any impact on those CYP 'transitioning' to adult services.

**Benefits for Adults:**

- The advocacy service will be focused on adult's advocacy only, the budget allocated will be 100% focused on adults who require Statutory advocacy.

**Benefits for Children and young people:**

- Improved customisation: An in-house advocacy team will be better positioned to align its efforts with the specific needs and goals of the Voice & Participation Service, ensuring a more tailored approach to advocacy services.
- Cost-Effectiveness: Transitioning to an in-house model will lead to sustainable costs over time, given the approach is based on a volunteer model and using the wider services within the Voice & Participation Services. It will allow us to minimize external service fees, administrative expenses, and reliance on a third-party supplier.
- Improve Quality Outcomes: Wiltshire Council will be able to implement more rigorous quality control measures to ensure consistent and high-quality impactful advocacy services. The current contract is not meeting our needs adequately or having the desired impact.
- Responsiveness: It is envisaged that an in-house team can adapt promptly to changing needs and priorities, resulting in more efficient and effective advocacy.

43. The following options have been rejected:

- **To do nothing.** Do not re-commission a new Advocacy Service when the current contract expires has been rejected because it is a local authority's statutory obligation to have an independent advocacy service.
- **To re-commission a Whole Life Advocacy Service, with the same provision as currently.** This has been rejected because there are identified gaps within the current contract which results in additional spot spend.
- **To re-commission a Whole Life Advocacy Service for Statutory and Non-Statutory advocacy with provision for the identified service gaps.** This has been rejected because there is insufficient budget available to provide this service.

44. The following option is recommended:

45. Our recommendation is **Option 3** which meets the local authority's statutory duty to deliver an independent advocacy service which meets the needs of the people and supports those most vulnerable children, young people and adults.

46. Given budgetary pressures, the recommendation is a re-commissioned Advocacy Service for Adults should support Statutory Advocacy only and Generic Advocacy is removed, which is in line with other local authorities.

47. The recommendation is that an Advocacy contract for adults is commissioned for 3 years with the option to extend for one year.

48. To ensure a re-commissioned service for adults is co-designed, we are working with a range of stakeholders including operations and finance to identify and address the current gaps in service provision; and to ensure there is greater clarity with regards to key performance indicators, data and case studies that are captured to better reflect the 'impact' which an advocacy service has for people.

49. The Wiltshire Centre for Independent Living (WCIL) have undertaken engagement with people, families, and carers; who have used an advocacy service to identify what a good advocacy service looks like and to understand any barriers to receiving advocacy. The feedback received will be used to co-design a new Service Specification for Adults Advocacy.

## Conclusions

50. All the above information has been taken into account in establishing this report's proposals.

## **Andy Brown, Corporate Director, Resources and Deputy Chief Executive**

Report Author: Victoria Bayley, Interim Head of Service, Whole Life Commissioning Team, [victoria.bayley@wiltshire.gov.uk](mailto:victoria.bayley@wiltshire.gov.uk)

Karen Wade, Interim Commissioning Manager, Whole Life Commissioning Team - [karen.wade@wiltshire.gov.uk](mailto:karen.wade@wiltshire.gov.uk)

## Appendices

None

## Background Papers

None