

Report from the West Sussex Joint Scrutiny Task and Finish Group

Commissioning of Community Advice Services from Citizens Advice Bureau

Executive Summary

Current commissioning arrangements for the provision of community advice services from Citizens Advice Bureau have been in place since 1 April 2010. The current contract ends in March 2015.

During the lifetime of the contract the Joint Scrutiny Task and Finish Group assigned to the work-stream recommended that a public survey be conducted to gain insight from residents in West Sussex with regard to their understanding and use of the service. Following scrutiny of this report and performance data during June and July 2014, the TFG are making the recommendations below.

Recommendation(s)

- (1) The procurement of community advice services via a single tender process, with Citizens Advice Bureau as preferred provider (subject to full report and evidence from WSCC Procurement Services in accordance with Standing Order 6) from 1st April, 2015.
- (2) The proposal that an optional half inflation increase of 6% be added to WSCC current funding, in line with that of District and Borough funding partners who may decide to do so.
- (3) That WSCC agree to lead the tender process on behalf of all funding partners, the WS District and Borough Councils.
- (4) That Authority is delegated to the Director of Public Health and Social Care Commissioning to award the contract for a service to be operational from 1 April 2015 for a period of 3 years.

1. Background and Context

- 1.1 The contract for advice services was originally let from 1 April 2010 to 31 March 2013. The Citizens' Advice bid was the only one of several expressions of interest and subsequent bids which met the required standards.

These standards were based around quality of advice, a skilled base of experienced and trained volunteers and advice management, physical presence in required locations across the county, and means to assist the population face to face, via the telephone, email and electronic self-help advice guides. The contract was supported by the Legal Services Commission who funded paid specialist legal services. WSCC and all West Sussex District and Borough Councils funded the generalist services.

1.2 The Joint Scrutiny Task and Finish Group (TFG) convened in mid-2012 recommended that the option to pursue a 2 year extension period be taken up, in order to review and consider the performance and outcome of the then current arrangements for generalist advice service, in line with the needs of the population of the county. Following the withdrawal of paid specialist legal services funded by the then Legal Services Commission as part of the contract, work was undertaken to develop the specification for a generalist level advice service only between the remaining funding partners.

1.2 The TFG also recommended that a survey be carried out into the satisfaction with the current provider; further details on this are available in the consultation section of this report.

2.0 **Reconvening of the TFG overview 2014**

2.1 The pattern of funding support from Local Authorities (LAs) to CAB has changed in recent years. The West Sussex model of funding via a collective arrangement between the County, Districts and Boroughs Councils is unusual and is the result of continuing the arrangements drawn up when the Legal Services Commission brought funding and added capacity to West Sussex for paid specialist legal help services, in the period April 2010 to March 2013.

2.2 At the time of the withdrawal of the Legal Services Commission funding to the contract in March 2013, WSCC and other local Authorities opted to continue with their collective funding support to CAB for generalist level services. Recognising the necessity of operating such a service at a time when many people were struggling to claim appropriate welfare benefits in light of changes to the system and introduction of Universal Credit and spare room subsidy, and ability to meet their financial commitments if in low paid work, it was felt vital to continue funding support.

2.3 The TFG came back together on 12th of June and 21st of July 2014 to review action to date and decide on the way forward. The table below shows the discussions and recommendations that came out of those meeting and the links back to the original TFG in 2012.

- The main purpose of the 12th June 2014 meeting was to feedback on survey carried on the service and to review and consider performance.
- The main purpose of the 21st July 2014 meeting was to develop the approach the TFG wanted to take to familiarise themselves with the service specification and identifying gaps in provision, and agreeing an implementation plan.

2.4 Contract extension period ends in March 2015 and TFG are recommending actions as cited above.

TFG Recommendation	TFG Meeting 2014	TFG Members Discussion	TFG meeting outcomes 2014	Comments
2012 TFG				
<p>In 2012 the Joint Scrutiny Task and Finish Group (TFG) recommended that a survey be carried out to gain feedback from the public already using the CAB service, alongside those who have not. The survey ran from late December 2013 to mid February 2014.</p>	<p>12th June 2014</p>	<p>The consensus was that the survey had shown improvements in the service. Key points were:</p> <ul style="list-style-type: none"> • Good improvement and a reduction in waiting times (both via phone and in Centres) • The survey helped raise the level of awareness for new users of CAB • Early help by CAB proves to be less costly than intervention at a later stage 	<ul style="list-style-type: none"> • CAB providers were asked to compile bullet points to clarify where any gaps in service may lie. • The contract to be measured on whether the outcomes were achieved. • As an exercise the CAB providers relay what service they would be able to provide with a 10% cut in funds • The survey is available in a report by the West Sussex Public Health Research Unit and feedback has been noted to assist the refresh of the service specification for the service from 1 April 2015. 	<p>It was also agreed that the survey summary document could be distributed to Members outside of the TFG.</p>
<p>Review and consider the performance and outcomes of the current arrangement for generalist advice service</p>	<p>12th June 2014</p>	<ul style="list-style-type: none"> • Improvements during the contract period. More people seen more quickly, and more efficiently referred into the most appropriate channel for help • Whether the current short term transition funding had sustained the 	<p>The final report from the TFG recognises that LAs should not be funding the gap in services after central government decisions lead to CAB at risk of being swamped by the withdrawal of other services.</p>	<p>It is anticipated by advice providers that central government will likely be administering a fund to which</p>

		<p>service in lieu of the LSC's specialist elements. In response to this CAB leads advised that external funding from Advice Services Transition Fund has been channelled into priority training and although future footfall is hard to predict the current service is being maintained. Clients requiring specialist legal help are being signposted once CAB capacity reached.</p>		<p>current recipients of Advice Services Transition Funds can apply. This would support continued capacity building for skills over and above generalist adviser workforce</p>
<p>Consider the need for and specification of a sustainable advice service for the residents of West Sussex</p>	<p>12th June 2014</p>	<ul style="list-style-type: none"> • The specification needs to be agreed as new challenges & policies emerge so that we have a partner who responds quickly and appropriately to public's needs. • Whether CAB can cope with the demands of any changes and policies (i.e. bedroom tax) to which CAB advised that having Local authorities as partners is invaluable. • Whether big campaigns or projects (i.e. Living Well with Dementia) have an impact on the service, to which CAB advised that more client referrals are received during acute periods. With social media advertising being at the forefront of raising awareness, public demand tends to increase more quickly and resources become stretched. 	<p>Aims and purpose of the service</p> <ul style="list-style-type: none"> • Enable individuals to protect their fundamental rights and resolve disputes • Tackle disadvantage and promote social inclusion • Provide advice which is independent of funders and government, whilst working in cooperation with Local Authorities to promote public awareness via campaigns on social justice issues 	<p>Local Authorities are keen to support providers in securing diversity of funds for advice provision over and above generalist level. Future service specification will determine the scope of the service being funded by the WS LAs for generalist advice. This will take into account priority programmes to support early help and prevention services as appropriate.</p>

TFG Recommendation	TFG Meeting 2014	TFG Members Discussion	TFG meeting outcomes 2014	Comments
2014 TFG				
<p>As Local Authority partners to the service funding the TFG will need to consider the procurement options recommended and then seek agreement by their local signatories for continued involvement.</p>	12 th June 2014	<p>It was discussed that a single tender route would be followed. CABs had the only successful tender in 2010 and had at that time undergone an open tender process. As it was agreed that the market had not significantly developed since then, WSCC are happy to support that as a way forward.</p> <p>All District & Boroughs would need to have local discussions with their Legal Services team. It was put forward that choice is preferable in the tendering process but that the contract would need to be broken down to such a level that any other organisation trying to do it for financial gain would struggle.</p>	<p>Single tender procurement process to be progressed</p> <p>The Principal Solicitor from WSCC has provided a robust legal statement to confirm validity of approach. See page 6 of this report</p>	
<p>TFG agreed that a single tender process be carried out with CAB as the preferred supplier and that no other procurement process is necessary.</p> <p><input type="checkbox"/></p>	21 st July 2014	<p>The TFG agreed that CAB is playing an effective role and has undertaken positive development during the contract period.</p> <p>Clarity and definition are needed on the Procurement and Tender process. It was important that the marketplace had been examined and no other provider found that could meet the Specification and service model required. The appropriate procedure needed to be followed and</p>	<p>A key action was for all LAs to liaise with their local scrutiny support officers regarding funding and process. All processes need to have been undertaken by end October for 1st April 2015 as start of the new contract.</p> <p>It was noted that no LA had at this time reported risks to their level of funding to the contracted service.</p>	<p>Mid Sussex DC: £116,000 Chichester DC: £66,000 (with approved inflation this will rise to £74,000) Arun DC: £112,000 Adur& Worthing DC:</p>

		evidence to support this needed to be documented. (see elsewhere in this report)	The recommendations in the report need to be agreed by the TFG then sent back to each individual LA for further agreement. Once the report is finalised it will then go out for agreement and not for further comment.	Adur £79,080 – Worthing £80,040 CrawleyBC: £125,000 (inflation included) Horsham DC: £93,000 West.Sussex.CC : £350,000
CAB providers were asked to put together bullet points to clarify where any gaps in service may lie.	21 st July 2014	The CEO ACCAB & CEO CaSSCAB referred to the CAB 'cost per ratio' document previously circulated to the TFG. The Citizens Advice Network Development Manager advised that CitA are conscious of the increased demand on the service due to the halting roll out of Universal Credit and other benefits and allowances changes, and that they are in discussion with central government on the practicalities and impacts on claimants.	Areas that could do with more support/resources include; <ul style="list-style-type: none"> • Outreaches at District & Borough premises, • Social Policy & Financial Capability • Mortgage advice & Court representation. • Changes in Legal Aid in particular had left a gap in specialist legal resources and working with solicitors and encouraging clarity on their fee structures was a way of trying to maintaining specialist service. • Basic budget skills were important to client's financial capability. 	The group also put forward that CAB needs to improve their online and email offering as this was often a first port of call for those seeking help.
The TFG	21 st July	Some TFG members have built inflation	The TFG asked all members to	As an optional

recommended an optional half inflation increase in contributions to the contract.	2014	into their new contributions to a contract. The TFG felt it would be appropriate to consider an increase.	consider a half inflation increase when making their contribution to the contract.	increase only. If an LA views this as not achievable this should not bar involvement in the development of the service and financial contribution to the countywide agreement.
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3. Final Proposal

- 3.1 Following the outcome of the TFG meeting is proposed to procure via a single tender process for the generalist advice services from Citizens Advice across the county. With the cessation of specialist legal services from the Legal Services Commission the provider has undertaken organisational structural reviews, and secured some external funding for advice expertise and training at a higher level additional advisers.
- 3.2 The County Council's legal advice in connection with the Single Tender is founded upon our assessment that it is unlikely that there would be any cross-border interest in a contract for these services (which are Part B services under the Public Contract Regulations 2006). In the context of a contract for Part B Services which carry no cross-border interest, a contracting authority need not conduct a public tendering process or advertise the contract and the public procurement regime would not otherwise prevent the County Council from making a direct award, subject of course to the provision of any necessary internal approvals.

The overriding principles set out under the Treaty on the Functioning of the EU (such as equal treatment, transparency and non-discrimination) apply to any public tender process. However, in the current circumstances and on the analysis described above, there is no public tender process to which those overriding principles will apply.

In reaching its conclusion that it is highly unlikely that there would be cross-border interest in this contract the County Council considered:

- The value of the contract – whilst of significant importance to the various authorities and their residents, the value of this contract to the provider is limited. Our understanding is that a significant proportion of the legal advice provided under this contract is provided on a no-charge/pro-bono basis by participant law firms;
- The nature of the market for these services – whilst there is clearly a developed market for paid legal work, the incumbent was the only interested party under the previous procurement and our market analysis has suggested that there are no new players;
- Are providers in other member states currently offering similar services? No, the provision of legal services is a highly regulated domestic market meaning it is unlikely that cross-border interest would arise, particularly in connection with a largely voluntary service;
- Can the services be provided remotely – no, a local presence is required because in-person client meetings are frequently required.

The factors detailed above are not exhaustive and no single item provides an absolute response to the question of cross-border interest. The view of the County Council is that the collective effect of those principles suggests that there would not be cross-border interest in this contract at this point in time.

3.3 The procurement process should be commenced in early 2015 in order to refresh the service specification in light of comments made by TFG. Work will start in autumn 2014 to collate information on current performance and necessary developments. New contract documentation and performance requirements will also be developed to ensure strong monitoring of the contract.

3.3 Partners' assurance of funding levels from all West Sussex authorities has been sought and work with the provider is underway to encompass the views gained from the survey into their service model. Whilst the public should not notice any overt difference to the service they experience, a regular review of the service specification and close partnership working with funding partners will continue to ensure that the service keeps abreast of demand and assists the public in efficient ways with professional and high quality advice.

1. **Mid Sussex DC:** £116,000
2. **Chichester DC:** £66,000 (with approved inflation this will rise to £74,000)
3. **Arun DC:** £112,000
4. **Adur & Worthing DC:** Adur £79,080 – Worthing £80,040
5. **Crawley BC:** £125,000 (inflation included)
6. **Horsham DC:** £93,000
7. **West.Sussex.CC:** £350,000

3.4 **Recommendations**

1. The procurement of community advice services via a single tender process, with Citizens Advice Bureau as preferred provider (subject to full report and evidence from WSCC Procurement Services of accordance with Standing Order 6) from 1st April, 2015.
2. The proposal that an optional half inflation increase of 6% might be added to WSCC current funding arrangement, in line with that of District and Borough funding partners.
3. That WSCC agree to lead the tender process on behalf of all funding partners, the WS District and Boroughs Councils.
4. That Authority is delegated to the Director of Public Health and Social Care Commissioning to award the contract for a service to be operational from 1 April 2015 for a period of 3 years.

3.5 It is proposed to delegate the authority to the Director of Public Health and Social Care Commissioning to let the contract on behalf of all the West Sussex authorities as funding partners for this service.

4. Other Options considered

- 4.1 During the course of the TFG being reconvened, work has been conducted to scope the potential for other providers who may be able to undertake this service. The marketplace does not appear to have changed since the letting of the original contract in 2010 whereby the CAB were the only providers able to meet the requirements of the contract as shown in 1.1. The provider is evidenced as giving good levels of satisfaction which is shown in the commissioned countywide survey.
- 4.2 The provider has also demonstrated positive results in their own regular client satisfaction surveys and has received positive feedback from mystery shopping activities undertaken throughout the original contract period. The provider has through the contract lifecycle demonstrated an adeptness to adjust the service model according to changing legislation and the needs of the public. The TFG has therefore concluded that there appears to be little to be gained by conducting an open tender process at this time.

5. Resource Implications and Value for Money

- 5.1 A Single Tender process will be applied subject to full report and evidence from WSCC Procurement Services of accordance with Standing Order 6. The provider will however still be required to demonstrate how their proposal balances technical and quality requirements against commercial elements to ensure the delivery of an affordable service that is best value for money.
- 5.2 The involvement of Procurement and other business services such as Legal which will be required to operate the single tender process will potentially have an impact on officers' availability for other initiatives.
- 5.3 The WSCC contribution towards the service will be met from the Prevention & Wellbeing Social Support budget
- 5.4 Local Authority's should not be funding the gap in services after government decisions lead to CAB being swamped by the withdrawal of other services. This will be monitored and fed back to local authorities.

6. Impact of the proposal

- 6.1 There is no adverse impact on people with protected characteristics covered by the Equality Act 2010. The service is available to the whole population of West Sussex.

The primary purpose of the contract held jointly between all WS local authorities is to minimise the areas of the county where access to help, information and guidance has in the past been limited as a result of issues such as lack of transport to access a physical advice centre for help; opening hours which limit access by people in daytime employment; access to language assistance being hard to find when

needed to aid the advice process.

7. Risk Management Implications

- 7.1 Risks will be managed through the procurement process in accordance with best practice procurement principles.
- 7.2 A risk log will be developed to mitigate risks associated with the work and the procurement process. The risk log will be dynamic to reflect the progress of the work and will be managed by the lead officer
- 7.3 The funding arrangement with partner Local Authorities is that each is responsible for the amount of their funding and there is no joint or several liability to cover shortfall by any partner. This could lead to reduced service in some parts of the county with residents unable to utilise the full offer of support.

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Background Papers – on request from Denise North/Seth Gottesman

- (1) Survey of Citizens Advice Bureau in West Sussex December 2013 to February 2014 – report
- (2) Report from WS Joint Scrutiny TFG August 2012
- (3) Report from Joint Scrutiny TFG July 2014
- (4) Service specification revised 2012/3