

CABINET

DATE	21 st August 2024
REPORT OF	Councillor Shreeve, Portfolio Holder for Health Wellbeing and Adult Social Care
RESPONSIBLE OFFICER	Diane Lee – Director of Public Health
SUBJECT	Re-commissioning of local Healthwatch and independent complaints advocacy services for North East Lincolnshire
STATUS	Open
FORWARD PLAN REF NO.	CB 08/24/09

CONTRIBUTION TO OUR AIMS

The recommissioning of the Healthwatch and Independent Complaints Advocacy Service contracts will contribute to the Strategic Aims set out in the adopted Council Plan through supporting:

- **Children and families** to share their views and experiences and have a voice in order to shape and influence.
- **Adult services** - All adults in North East Lincolnshire will have healthy and independent lives with easy access to joined up advice and support, helping them to help themselves.
- **Public Health** - Public health advice, leadership, and support to ensure that our health and social care offer has the maximum impact on population health, reducing health inequalities, and helping to prevent disease.
- All people in North East Lincolnshire enjoy good health and wellbeing
- All people in North east Lincolnshire can have their say about things that are important to them and participate fully in their communities.

This will be achieved by commissioning patient advocacy services, such as Healthwatch and Independent Complaints Advocacy Service contracts, to ensure people living in NEL can access the care they need whilst ensuring their voices are heard.

EXECUTIVE SUMMARY

Both the Healthwatch and Independent Complaints Advocacy Service contracts expire at the 31st March 2025 and the new contract(s) needs to be in place for the 1st April 2025. The planned duration of the replacement contracts is a maximum of 5 years, subject to satisfactory performance. The indicative whole life budget for the new contract(s) is anticipated to be in region of £925,0000.

RECOMMENDATIONS

It is recommended that Cabinet:

1. Authorises the Director of Public Health in consultation with the Portfolio Holder for Health, Wellbeing and Adult Social Care to undertake a commissioning and procurement exercise for the delivery of Local Healthwatch and Independent Complaints Advocacy Service in North East Lincolnshire.
2. Delegates authority to the Director of Public Health in consultation with the Portfolio Holder for Health Wellbeing and Adult Social Care to award the anticipated contract and to deal with all matters reasonably arising from such award in terms of implementation and mobilisation.
- 3 Authorises the Assistant Director Law and Governance (Monitoring Officer) to complete and execute all legal documentation in connection with the award

REASONS FOR DECISION

In April 2022, new health and care legislation came into force, changing the way the NHS and other organisations plan and fund the delivery of care.

The Health and Social Care Act 2012 established a new consumer champion for users of health and social care services, called Healthwatch. Local authorities with responsibility for social care were required to commission an independent organisation in order to deliver the vision.

The Council as accountable and responsible commissioner is required to establish a local Healthwatch and Independent Complaints Advocacy Service.

The recommendations of this report will allow the procurement process to commence and for an award decision to be made. This will allow time to complete the procurement and implement the replacement contract(s) for the 1st April 2025

1. BACKGROUND AND ISSUES

Healthwatch

- 1.1 The incumbent provider for the Healthwatch contract is Meeting New Horizons CIC, owned by Hull CVS. The contract value for 2024/25 is £130k pa. The original contract was for 3 years plus 2 x 12 months extensions (01.04.18 to 31.03.23) (aggregated 5-year value £575,000). A request for a further 12-month extension was granted for 2023-24 (£115k). This was required due to the new health and care legislation that came into force and the development of the ICS, which made significant changes to the health and care system.
- 1.2 Healthwatch North East Lincolnshire (HWNEL) acts as the consumer voice for local people on health and social care issues. It promotes and supports the involvement of local people in the commissioning provision and scrutiny of local health and social care services. It obtains the views of local people on their experiences of these services, including through Enter and View

investigations, and includes these views in representations, reports and recommendations about how local care services could be improved.

Independent Complaints Advocacy

- 1.3 The incumbent provider for the Independent Complaints Advocacy Service is Cloverleaf Advocacy. The contract value for 2024/25 is £55k pa. The original contract was for 3 years plus 2 x 12 months extensions (01.04.18 to 31.03.23). A request for a further 12-month extension was granted for 2023-24. This was required due to the new health and care legislation that came into force and the development of the ICS, which made significant changes to the health and care system.
- 1.4 The purpose of Independent Complaints Advocacy service is to provide independent, confidential, client centred, flexible complaints and advocacy support that empowers anyone who wishes to resolve a complaint about health and/or social care in North East Lincolnshire. An independent health complaints advocate is specially trained to help people through the NHS complaints process. It's a statutory service which means that anyone making a complaint about the NHS or care services has a right to advocacy support. People can have help from an advocate at any point in the complaints process.

2. RISKS, OPPORTUNITIES AND EQUALITY ISSUES

- 2.1 It is a statutory duty to implement a local Healthwatch and Independent Complaints Advocacy Service in NEL. Therefore, failure to comply would lead the council to legal challenges.
- 2.2 In terms of risk assessment and management the service provider will be required to work within the safeguarding procedures of the council for all service users, including, but not exclusive to:
 - Children and young people
 - People with a learning disability
 - People with a mental health difficulty
 - Gypsies and travellers
 - People with dementia
 - Carers of all groups
- 2.3 The service provider is required to have due regard to managing risk for service users and staff in the delivery of this service and provide details of their Risk Assessment and Management Policies and Procedures.
- 2.4 The procurement process will be compliant with the Council's current Procurement regulations.

3. OTHER OPTIONS CONSIDERED

Due to statutory duty and the requirement to procure a new contract the local authority must now recommission both services before the current contract expires. However, there may be opportunities to consider different options within the recommissioning process i.e. combining contracts, these will be fully explored as part of the recommissioning process.

4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

- 4.1. There are potential positive and negative reputational implications for the Council resulting from this decision. The Service Area will work in partnership with the Council's Communications Team to both mitigate any risk and maximise the opportunities for positive news stories, in addition to covering the following issues:
- 4.2. Potential changes and additions to the current service provision and support, including what support will be provided during periods of transition.

5. FINANCIAL CONSIDERATIONS

- 5.1. The contracts will be financed through a combination of Local Reform and Community Voices (LRCV) Grant (£95,009 p.a.) with the remainder being financed through core council budget (£89,991 p.a.).
- 5.2. The core council budget sits under the responsibility of the Director of Public Health.
- 5.3. Inflationary pressures for 25/26 can only be accounted for if there is a corresponding increase in the LRCV grant.

6. CHILDREN AND YOUNG PEOPLE IMPLICATIONS

- 6.1 In 2017 Healthwatch extended remit to represent the views of children and young people and those receiving social work services. Healthwatch and the Independent Complaints Advocacy Service have built on the systems and mechanisms already in place for the representation of children and young people.
- 6.2 Healthwatch does not have a remit to enter social care facilities for children and young people as these are covered by Ofsted.

7. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

Consideration will be given to how this procurement can positively contribute towards the Council's Environmental Vision and contribute towards the Net Zero target of 2030, and how the suppliers can mitigate their impact on the local environment of North East Lincolnshire during performance of the contract

8. CONSULTATION WITH SCRUTINY

There has been no consultation with Scrutiny.

9. FINANCIAL IMPLICATIONS

- 9.1 The contract renewal is in line with the current budget assumptions and is funded through a combination of grant funding and core council budget.
- 9.2 There is a risk that a pressure may occur if the grant allocation is reduced in the future, and this should be monitored going forward.

10. LEGAL IMPLICATIONS

- 10.1 The procurement for the delivery of a Local Healthwatch and Independent Complaints Advocacy Service provision within North East Lincolnshire is consistent with the stated aims and objectives of the Council underpinning its strategic objectives of Stronger Economy, Stronger Communities.
- 10.2 The procurement exercise will be conducted so as to comply with the Council's policy and legal obligations, specifically in compliance with the Council's Contract Procedure Rules and the Public Contracts Regulations 2015 and supported by relevant officers.
- 10.3 The delegations sought are consistent with an exercise of this nature.
- 10.4 Officers should note that an award constitutes a further decision and will be subject to completion of an Officer Decision Record. Where key decision criteria are met such Officer Decision Record will be subject to call in. Award and implementation timelines should accommodate this.

11. HUMAN RESOURCES IMPLICATIONS

There are no direct HR implications arising from the contents of this report .

12. WARD IMPLICATIONS

The commissioned Healthwatch and Independent Complaints Advocacy Service will be accessible across the borough, impacting on all wards.

13. BACKGROUND PAPERS

None

14. CONTACT OFFICER(S)

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