



Operational Officer Decision Record

Where the decision has a financial value of between £100k - £350k and does not have a **significant** impact on two or more wards

1. Subject and details of the matter (to include reasons for the decision and detail of any previous cabinet decision)

This decision concerns an extension beyond the existing contractual terms by exception of the existing North East Lincolnshire Independent Adult Advocacy contract, for up to 6 months, from 1st October 2026, to maintain service continuity while a full competitive procurement exercise is completed for a new service.

The existing advocacy service supports the Authority in meeting its statutory responsibilities and is currently delivered by Cloverleaf Advocacy.

The original contract commenced on 1st October 2021 for 3 years plus 2 extensions and was commissioned by the Integrated Care Board (ICB) under a Section 75 Agreement and was later novated to the Authority on 7th August 2026. The existing contract has already been extended in accordance with the available contractual extension provisions. The proposed arrangement is therefore a short-term continuation of the current service beyond the existing contractual term, to maintain service continuity pending completion of the ongoing procurement exercise and commencement of the new contract.

Whole Life Contract Value – £1,563,390

Value of the Contract Extension – Up to £156,339 (£26,056 per month)

A review identified that the existing contractual arrangement was approaching its end date and that a revised service model and financial envelope are required to ensure that future provision is appropriately sized to meet anticipated demand and statutory requirements. Owing to uncertainty regarding the transfer and novation of contractual responsibilities, a procurement exercise to establish an ongoing contractual arrangement could not previously be undertaken.

The extension for up to 6 months is now required to avoid a gap in statutory advocacy provision and to allow sufficient time to complete the competitive procurement, address any TUPE implications and mobilise the new service safely. The procurement for the new contract is currently out to tender, closing on 14th September.

The Health and Care Contracting Group (HCCG) forms part of the formal joint governance arrangements between North East Lincolnshire Council and NHS Humber and North Yorkshire Integrated Care Board. It has delegated responsibility from the Joint Committee to oversee the contracting and procurement of health and adult social care services required to meet local population needs.

The Group makes joint decisions on health and social care contracting and provides assurance to the Joint Committee that contracts are compliant with procurement requirements, meet applicable regulatory, quality and professional standards, deliver measurable outcomes, and are affordable and represent value for money.

Membership comprises senior representatives from the Authority and the ICB, including elected members and relevant expertise from finance, contracting, procurement, quality, clinical services, social work and public health. It is chaired by the Director of Adult Social Services.

At its May 2026 meeting, HCCG supported a short-term bridging arrangement of up to six months pending completion of the longer-term procurement. Following advice from the Authority's Procurement and Legal teams, the appropriate route has been identified as an extension by exception. At its meeting on 1 July 2026, HCCG supported the extension and the proposed competitive procurement timetable.

This is being treated as an operational officer decision because the contract value is between £100,000 and £350,000, the decision does not have a significant impact on two or more wards, and it concerns the continuation of an existing service within the approved policy and budget framework under the relevant officer delegation. The decision does not implement or vary a previous Cabinet decision.

2. Decision being taken

That the Director of Adult Social Services, in consultation with the Portfolio Holder for Health, Wellbeing and Adult Social Care approves an extension by exception of the existing North East Lincolnshire Independent Adult Advocacy contract with Cloverleaf Advocacy for up to six months, from 1 October 2026, at a total maximum value of £156,339.

3. Anticipated outcome(s)/benefits

The decision is expected to:

- maintain uninterrupted access to statutory independent advocacy services for eligible adults in North East Lincolnshire;
- support the Council to continue fulfilling its statutory responsibilities;
- avoid service disruption and associated safeguarding, legal, operational and reputational risks;
- provide adequate time to complete a compliant competitive procurement exercise and mobilise the new service safely;
- allow TUPE, information governance, data protection and contract-transition arrangements to be addressed appropriately;
- maintain provision within the existing monthly financial envelope during the extension period; and
- enable the longer-term service to reflect stakeholder feedback and anticipated changes in demand arising from legislative and demographic developments.

Success will be evidenced by continuity of service throughout the extension period, completion of the procurement and mobilisation milestones, regular contract monitoring, and commencement of the new service on 1 February 2027.

4. Details of any alternative options considered and rejected by the officer when making the decision

Option 1 – Take no action and allow the existing contract to end on 30 September 2026.

Rejected because this would create a gap in statutory advocacy provision, present risks to people who rely on the service, and expose the Council to legal, safeguarding, operational and reputational risk.

Option 2 – Complete the full competitive procurement before the existing contract expires.

Rejected because the governance, tender, evaluation, award, TUPE and mobilisation stages cannot be completed safely and compliantly before 1 October 2026.

Option 3 – Extend the existing contract for up to six months.

Procurement advice supports the extension to the existing contract by exception under Public Contract Regulations 2015 Regulation 72:

(b) for additional works, services or supplies by the original contractor that have become necessary and were not included in the initial procurement, where a change of contractor—

(i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement, and

(ii) would cause significant inconvenience or substantial duplication of costs for the contracting authority, provided that any increase in price does not exceed 50% of the value of the original contract;

The extension does not exceed 50% of the original contract value, and it would not be economical to compete a new contract for 2 months. The contract was only novated to the Authority in August 2026, and with an expiration date of 30

September 2026, further time was needed to allow for a procurement to take place for this statutory provision.

Recommended option – Option 3 – Up to Six-month extension by exception.

This is considered the most proportionate option because it preserves service continuity, remains within the period supported by HCCG and allows sufficient time for completion and mobilisation of the competitive procurement.

5. Background documents considered (web link to be included or copies of documents for publishing)

The following documents informed the decision:

1. NEL Advocacy Re-commissioning – Update, report presented to HCCG on 1 July 2026.
2. NEL Advocacy re-commissioning - HCCG report concerning the review and re-commissioning of the Independent Adult Advocacy Service
3. Procurement timetable and workplan for the up to six-month extension and longer-term competitive procurement.

6. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons

N/A

7. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)

N/A

8. Monitoring Officer Comments (Monitoring Officer or nominee)

The decision is appropriately treated as an operational officer decision and falls within the remit of the Director of Adult Social Services.

Legal Services has been consulted and supports the proposed extension by exception of up to six months. The extension is considered a proportionate and time-limited approach to maintaining statutory advocacy provision while the competitive procurement and mobilisation of the longer-term service is completed.

9. Section 151 Officer Comments (Deputy S151 Officer or nominee)

The proposed extension by exception of the existing contract for a period of up to six months can be contained within existing approved budget and does not create any additional budget pressure for the Authority. The contract forms part of the North East Lincolnshire Section 75 arrangements and is jointly funded by health partners. The extension maintains the current financial envelope whilst allowing sufficient time to complete a compliant procurement exercise for the longer-term service.

From a financial governance perspective, the proposed arrangement represents a proportionate and time-limited approach to ensuring continuity of a statutory service whilst mitigating the financial, operational and legal risks that could arise from a break in provision.

10. Human Resource Comments (Head of People and Culture or nominee)

I support this decision as it maintains service continuity while allowing appropriate planning for the procurement, mobilisation and any potential TUPE implications. HR should remain engaged to ensure any workforce matters are identified and managed appropriately.

11. Risk Assessment (in accordance with the Report Writing Guide)

There is a risk of procurement challenge if the exception is not properly justified and documented.

Delay to the extension or procurement, which could disrupt continuity of the statutory advocacy service is a risk. This is assessed as medium likelihood and high impact. Key financial, legal, procurement, TUPE, safeguarding and information-governance risks will be mitigated through the agreed procurement timetable, weekly project oversight, specialist legal, procurement and HR support, a detailed mobilisation and

data-transfer plan, and named contract management arrangements. If the decision is not taken, the current contract will end on 30 September 2026, creating a high likelihood and high impact risk of a gap in statutory provision, legal challenge, safeguarding concerns, increased costs and reputational damage. Risks will be recorded in the project risk assessment and escalated to the Senior Responsible Officer where required.

12. If the decision links to a previous one taken by Cabinet, has the Cabinet Tracker been updated?

Not applicable

13. Decision Maker(s):

Name: Katie Brown

Title: Director of Adult Social Services

Signed: REDACTED

Dated: 28th September 2026

14. Consultation carried out with Portfolio Holder(s):

Name: Councillor Nigel Oliver

Title: Portfolio Holder for Health, Wellbeing and Adult Social Care

Signed: REDACTED

Dated: 28th September 2026