

Report to Cabinet 8 October 2014

Commissioning of Community Advice Services

Report of the *Director of Community and Partnership Services* – DC&PS/002

1. Purpose

- 1.1 This report seeks endorsement from the findings of the Joint Scrutiny Task and Finish Group (TFG) regarding the existing contract for the provision of generalist advice to the West Sussex Citizens Advice Bureaux (CAB) Consortium. This endorsement will be passed on to West Sussex County Council to enable them to undertake the appropriate procurement process for the future West Sussex Community Advice Service (WSCAS) to be provided from April 2015.

2. Recommendations

- 2.1 The Cabinet is recommended to:
- a) accept and endorse the findings of the West Sussex Joint Scrutiny Task and Finish Group which has considered the current operation and future procurement of the West Sussex Community Advice Service contract;
 - b) act together with West Sussex County Council and the other Borough and District Councils to jointly commission the new service, noting that the procurement process for this is still subject to discussions with WSCC and other funders;
 - c) note the proposed service specification for WSCAS (Appendix 1);
 - d) agree that the contract offered is for up to five years, with suitable break clauses related to renewal of the funding commitment and as agreed by the Cabinet Member for Community Engagement in consultation with the Director of Community and Partnership Services;
 - e) agree that the base funding level is increased by 6% for the new contract. This figure is currently provided for within the grant aid budget 2015/16.

3. Reasons for the Recommendations

- 3.1 The WSCAS provided by CAB in West Sussex provides independent and impartial advice on a wide range of issues to local residents. The service is funded jointly by WSCC and the Borough and District Councils.
- 3.2 Whilst discussions are taking place about the procurement process to be undertaken by WSCC, the desire is to commit for up to five years from April 2015 for a more sustainable funded service supporting residents in need.

4. Background

The service development

- 4.1 Prior to 2009 a generalist legal advice service was delivered by the Citizens Advice Bureaux (CAB) on a local basis in each Borough or District of West Sussex. Each local CAB was autonomous, though nationally affiliated, and had its own board of trustees and local management. Through trained volunteers they provided residents with free legal advice about matters such as benefits; debt; housing; employment; community care; family and welfare matters.
- 4.2 This provided a low cost advice service which supported the legal rights of vulnerable residents, provided early resolution of matters which could have led to costly court cases, tackled financial hardship and in some cases prevented homelessness. In many cases it saved demand that may otherwise have been placed upon departments of the councils. The advice service was delivered from a central base in each Borough or District with some outreach cover, and was primarily face-to-face advice on a first come first served basis. At that time, individual bureaux struggled to meet demand leading to restricted access for residents either due to a poor telephone response or long wait times for appointments.
- 4.3 In 2009-2010 Crawley Council together with all the other Borough and District Councils, the WSCC and the Legal Services Commission (LSC) agreed to jointly commission a Community Legal Advice Service (CLAS) for the residents of West Sussex. This was to be an integrated service offering both generalist and specialist community legal advice. A joint specification was created and a full open tender process undertaken.
- 4.4 Despite several expressions of interest only one full bid was received, which was from the West Sussex Consortium of Citizens Advice Bureaux (CAB). The contract to deliver the WSCLAS from 31 March 2010 was duly awarded to the West Sussex Consortium of CAB for a three-year period with an option to extend for two further years. It has been monitored by a funding board made up of a representative of each of the funding partners. As a result of changes to the Legal Aid system and its funding the LSC withdrew from the contract on 31st March 2013.
- 4.5 Following a joint scrutiny review of the CLAS performance, CBC, WSCC and the other Boroughs and Districts decided to extend the contract with CAB for a further two years to provide a community generalist legal advice service. A limited range of specialist legal advice continued to be provided outside of the contract arrangements. The extended contract expires on the 31st March 2015.

5. Proposals for generalist community advice service post March 2015

- 5.1 The most effective, economic and efficient way of continuing to secure a quality checked generalist community advice service across West Sussex and with local access is to remain within the joint West Sussex commissioning arrangements. Crawley Council could choose to separately fund a local service however this may impact on efficiencies and put at risk the WSCC funding allocation for the Crawley Advice Centre.
- 5.2 This type of service brings considerable benefits to local residents who experience a whole range of issues around finance, debt, welfare and other issues. It is centrally important that this continues to enable communities to access help early and to reduce the potential demand on our services. It is therefore felt that the benefit of

this service to residents is significant and should continue. Moreover this should be through a commissioning process that is appropriate, efficient and cost effective.

- 5.3 The current service specification still defines the required service and is the basis for commissioning the future service from April 2015 (Appendix 1).
- 5.4 Given that funding to the countywide service has not increased for 5 years, an inflationary uplift should be made of approximately 6%. For the Crawley Advice Centre, this can be met within the grant aid budget (CBC Community Grants) 2015/16 and will help maintain the current opening hours.
- 5.5 Whilst it is recognised that the current service provider has developed a unique and specialised service Countywide and in the Boroughs and Districts, and no other known provider of the same service exists locally, the accumulative value of the contract is currently being considered in terms of EU thresh-holds and legal and procurement advice.

6. Information & Analysis Supporting Recommendation

The West Sussex Joint Scrutiny Task and Finish Group (TFG)

- 6.1 The West Sussex Joint Scrutiny TFG considered a wide range of evidence and heard from and questioned a range of witnesses. At the end of which the Group concluded that:
- Significant service improvements had been made by the existing provider during the current contract, performance had improved, quality assurance inspections by the National body had been satisfactory, and demand for the service was still high.
 - A survey had shown a high degree of satisfaction from service users, and feed-back from the funding board and partners was positive.
 - There had been a period of considerable change to the benefits system with further change to come; the impacts of austerity had affected the frequency of requests for debt advice; the changes to legal aid had reduced access to specialist legal advice but arrangements funded by the Transition Fund award CAB had sought to mitigate that impact.
 - These factors highlighted a continuing need for this service for residents in West Sussex.
- 6.1.1 The scrutiny process reviewed performance data and case studies and considered that WSCLAS has a positive impact in supporting vulnerable people in need of advice across a range of issues. It made the following recommendations:
1. The existing service providing community generalist legal advice is still needed and should continue.
 2. That the specification of the service is still relevant.
 3. That partners should review their funding with a view to increasing it by half of the accrued inflation over the period of the contract which equates to an approximate 6% increase.

4. That the service should be procured by an open and transparent process which is compliant with the Public Contracts regulations and EU guidance. The process is subject to discussion between the partners legal and procurement officers.

6.2 CAB performance

- 6.2.1 From a local perspective the progress and improvements that have been made to the service over the last few years have been significant. This has resulted in reduced waiting times, the increasing availability of advice through increased opening times; an improving telephone response which now uses a 'triage' approach (this enables needs and issues to be assessed appropriately), more cooperative working with other bureau, and the greater availability of 'on line' advice and information.
- 6.2.2 Monitoring of the service has been carried out through representation on the West Sussex Funding Board and ongoing liaison by the Funding and Commissioning Officer. Over the last few years the service has been adapted to meet changing needs and is performing well. The Cabinet Member for Community Engagement and Director of Community and Partnership Services are regularly updated on progress.
- 6.2.3 The Funding and Commissioning Officer will continue as a member of the West Sussex Funding Board and represent Crawley Council's interest in the contracted service.

7. **Implications**

Legal

- 7.1. Legal and Procurement advice was provided to the Joint Scrutiny Task and Finish Group by WSCC Legal Services and has been reviewed by the Boroughs and Districts Legal and Procurement officers. WSCC has proposed that they would lead the procurement process, with the involvement of the Boroughs and Districts.

Financial implications

- 7.2 The cost of continuing the service with 6% uplift is £132,500 per year, which is covered in the Council's grant aid budget (and represents an increase of £6,250). There is a notice period requirement should other partners wish to withdraw from the contract. As previously, the service provider will be expected to secure external funding for new or additional services.

8. **Background Papers**

[Cabinet Report 10 October 2012](#)
[Report from Joint Scrutiny TFG](#)

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1. Service Principles

The Service Provider will operate to the following principles in providing the Services and will:

- 1.1 challenge practices which seek to discriminate against or deny the rights of individuals or groups on the grounds of age, race, gender, sexuality, disability or class;
- 1.2 promote wide access to service;
- 1.3 work to promote equal opportunities in all areas of the Service;
- 1.4 work collaboratively with other organisations;
- 1.5 work in accordance with Sussex Safeguarding Adults' procedures
- 1.6 promote the independence of clients and encourage them to take responsibility for control over their own lives;
- 1.7 enhance choice, promote independence and ensure that the Service is built on a philosophy of alleviating crisis and managing the impact of hardship where possible;
- 1.8 ensure the Service is offered in a respectful way;
- 1.9 ensure clients feel valued and able to contribute to the design, development, implementation and ongoing delivery of the Services via client engagement

The target community is residents of West Sussex, and those who access services in West Sussex.

Priority Client Groups: The generalist advice service within the limits of the resources available must serve all residents of the county, including those who live in rural and isolated areas and particularly those who are socially excluded. The following Client Groups will represent particular priorities for the delivery of services:

1. Those experiencing or at risk of domestic abuse
2. Those at imminent risk of losing their homes (e.g. where a hearing date is set no more than 10 working days from when the client contacts the service)
3. People under the age of 25 years (for whom data collection reported under clients profile by age groups)

2. Aims and Purpose of the Service:

- 2.1 Enable individuals to protect their fundamental rights and resolve disputes
- 2.2 Tackle disadvantage and promote social inclusion
- 2.3 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
- 2.4 Deliver advice services to communities in West Sussex according to a clear understanding of current and developing local needs and ensure that services are flexible enough to reflect changing needs in the population

- 2.5 Participate in collective community support and awareness programmes with Local Authorities in areas of identified need and make data available to LAs when they plan community focussed programmes
- 2.6 Continue to provide improved access to quality assured, integrated, accessible advice in **Debt, Housing, Welfare Benefits, Employment, Community Care and Family** issues from triage and general help and advice to assisting with court procedures as appropriate, which offers value for money and is supported by coordinated funding
- 2.7 Provide an efficient service to tackle complex, multiple problems at an early stage to avoid escalation
- 2.8 Identify and report to funders trends in issues presented by clients and seek to prevent problems from arising through effective social policy work
- 2.9 Work with West Sussex Local Authorities to address problems whether as a result of central government policy and/or local practice or local government initiatives, or arising from other policy makers
- 2.10 Provide an effective infrastructure for a diverse workforce of volunteers to deliver general help and advice in West Sussex, reflective of their community
- 2.11 Identify opportunities for engagement with other providers of advice to ensure complementary and comprehensive services are available to residents of West Sussex
- 2.12 Utilise efficient referral mechanisms to other sources of help in the county and assist rapid access where appropriate.

Approved Quality Assurance Standards:

Advice Services Alliance Quality Mark

3. Outputs

3.1 The Service must deliver a Triage service which will include:

- 3.1.1 Diagnosis of client's issues(s)
- 3.1.2 Establishment of eligibility for Legal Aid where service external to generalist CABx is required, and onward referral as appropriate
- 3.1.3 Provision of brief advice where the problem/issue is resolvable within the initial 10 minutes
- 3.1.4 Record keeping at appropriate levels from initial client contact to resolution according to the client's need for assistance from CAB and onwards
- 3.1.5 Systematic follow up of clients for outcome impact and feedback e.g. sample after 3 and 6 months of last contact with service.

3.2 The service must move on the Client's case following triage and include:

- 3.2.1 Provision of information and advice and options available to the client
- 3.2.2 Identification of further action the client can take
- 3.2.3 Provision of assistance e.g. filling in forms, helping client draft letters, contacting third parties to seek information on the client's behalf, and supporting clients to reach early agreement on a dispute through negotiation

- 3.2.4 Liaising with third parties to identify non-contentious ways of resolving a dispute
- 3.2.5 Allocation of a (non-specialist) caseworker to take responsibility for managing a client's case and work with the client for the duration of the case. This must include negotiating on the client's behalf with third parties and taking action to move on the case where appropriate
- 3.2.6 Arrangement of referrals where necessary, following developments in the case since triage
- 3.2.7 Provision of interpretation where needed by clients, and support for those with learning difficulties or physical or mental impairment to maximise their use of the service. The cost of such external support services are to be met by the contractor as part of this contract.
- 3.2.8 Record keeping to a standard that allows all advisers to assist client on any contact after triage.

- 3.3 **Provide a referral service for clients ineligible for Legal Aid:**
Where clients are unable to access Legal Aid because they are financially ineligible or their case does not meet the applicable merits test the service must:
 - 3.3.1 Attempt to provide early resolution through the provision of general advice
 - 3.3.2 Refer the client to a provider of specialist advice with appropriate Quality Assurance Mark.

- 3.4 **Have procedures to deal with emergency cases:**
 - 3.4.1 Where triage identifies a case as an emergency (see priority client areas 1 and 2) have procedures in place to respond to client need with generalist advice; assessment of eligibility for Legal Aid or where client is ineligible seek to negotiate a fast track referral process to an appropriate provider of specialist advice. Where emergency shelter is needed in priority area 1, assist clients to access.

- 3.5 **Use of alternative means of dispute resolution where appropriate including:**
 - 3.5.1 Mediation – where a neutral third person, the mediator, works with the parties to help them arrive a voluntary and mutually satisfactory resolution of the dispute
 - 3.5.2 Arbitration – referring disputes to a neutral third party, often an expert, who will make a binding decision to resolve the dispute
 - 3.5.3 Early neutral evaluation referring a dispute or issue to a neutral lawyer or expert to provide an opinion made available to both sides but is not legally binding upon them
 - 3.5.4 Local and national ombudsman and redress schemes.

- 3.6 **The Service should have an effective and appropriate referral system to make and receive referrals of clients within the service for general legal advice following triage. Advice must be given on:**
 - 3.6.1 Specialist legal advice providers, whether working in categories of Legal Aided law under the new scheme, including private practice providers

when it is appropriate for clients to pay. Appointments must be made for the client and the relevant information passed to the provider. A follow up check must also be undertaken to ensure the client received the advice required.

- 3.6.2 Other appropriate services where the problem is or has aspects of a non-legal nature. The client must be given information on the best place to go to resolve their issue i.e. signposting
- 3.6.3 Develop effective links with other public and voluntary sector services and work with all relevant partnerships to enable them also to act as referral sources to the service. Set up protocols for cross referral of clients between services to ensure rapid access to help as early as possible.

3.7 **Seeks to prevent problems from arising:**

- 3.7.1 The Service must seek to identify and address issues that are repeatedly causing problems for clients. This may include influencing the policies and procedures of particular services or undertaking community education for specific client groups or in specified geographic locations. It is also expected that where the service is asked to support funding partners in the delivery of a targeted service in a particular area or tackling a specific issue e.g. a benefit take up campaign, raising awareness of scam campaigns, that it will respond positively within its resources and remit. Work should be carried out at local level, coordinated with and include other organisations in the community and the local authority where appropriate.
- 3.7.2 The Service must keep pace with developments affecting the public resulting in increasing need for advice e.g. changes to welfare benefits eligibility and play a proactive role in community education in a variety of ways. The Service should be proactive in social policy campaigning at local and national levels and ensure liaison with local authorities and local networks to further this.

3.8 **Response to local emergencies:**

- 3.8.1 The Service must provide a demand-responsive service and feedback to the West Sussex Local Authorities and enable the management of the situation as required.

4. Inputs

4.1 **Recruit, train, support and retain volunteers:**

- 4.1.1 The Service should provide a positive infrastructure for volunteering within West Sussex. The Service should be a centre of excellence for recruitment, training, deployment and retention of volunteers in the delivery of triage and general advice services. Volunteers must be recruited from a cross section of the community. Development of volunteers should be managed in order to broaden the service to clients and enable volunteers to deploy skills to increase the level of complexity they can manage.

4.2 **Undertake work to maximise income for clients:**

4.2.1 The Service must act to maximise income for clients by such means as benefit take up campaigns, financial health checks, and include in performance data collection when clients assisted to have debts written off.

4.3 **Take an active role in strategic partnerships and fora:**

4.3.1 The Service must have a role in relevant county and local partnerships in order to influence local and wider practice and maximise effective social policy promotion. In cooperation with Local Authorities will collate and make available impact data from client cases for press and website inclusion and promotion. These to include case studies, statistical comparisons, and permission from clients where press publicity is deemed appropriate as part of social policy work.

4.4 **Quality Assurance:**

4.4.1 Adherence to relevant Quality Assurance Marks and Citizens Advice Membership Standards.

4.4.2 Grant permission to Funding Board representatives to access copies of Citizens Advice National Membership Standards Audit reports and action plans.

4.5 **Outreach work and Service locations:**

4.5.1 The Service will conduct outreach work in cooperation with Local Authority campaigns to ensure flexibility of access for clients in areas where access has in the past not been adequate and needs levels are high. Reviews of the appropriateness of outreach venues will be conducted half yearly with the Local Authority concerned, where these are over and above those in line with short term local campaigns.

4.6 **Location of service in permanent sites:**

4.6.1 All current CAB premises will be fully utilised in accordance with Citizens Advice Membership Standards and reasonable adjustments made to support access for clients with extra needs whether physical, sensory and/or language. Any changes to locations, short or long term, must be notified to the Funding Board and the Local Authority representative of the area concerned.

4.7 **Provision of telephone service:**

4.7.1 Accessed by single countywide telephone number between the hours of 9am and 5pm. Available Monday to Friday except public and Bank Holidays.

4.7.2 Countywide and national call response systems will ensure access to advice, primarily live contact with of out of hours and busy period options for automated menu help. National call queuing aim is for callers to wait less than 5 minutes for live response.

5. Outputs

5.1 **Performance reporting format and frequency:**

Each quarter reports will be made to the Funding Board on current demands and performance, complaints and resolution, social policy and trend updates. The reports should be submitted 21 days after quarter end and not later than 7 working days before the Funding Board meeting, unless in exceptional circumstances. Any problems with submission of

reports in the timescale must be reported to the WSCC liaison officer. Case studies will be required at half yearly intervals and on reasonable request by LAs when assisting with campaigning and challenges to local social policy issues.

5.2 **Performance Standards and Reporting for quarterly submission:**

1. Number of clients receiving triage only
2. Number of clients receiving triage and general advice help
3. Number of clients from the priority client groups
4. Number of clients in each local authority area
5. Number/type Advice categories covered in client session
6. AICs/Social Policy categories and trends over period (include in narrative)
7. Client numbers broken down by means of access to service – face to face, email, telephone
8. Access to triage and general help - **exception reporting** – clients who wait longer than one service day for triage, and/or more than 5 working days between triage and appointment for general help
9. Number of cases needing access for urgent/emergency proceedings including evictions and other urgent problems
10. Variation in opening hours as current requirement in all permanent locations – **exception reporting**
11. Telephone service call demand and calls answered – achieve 70% live answers per day between bureaux
12. Number of complaints and resolution – breakdown of reason for complaint – quality of advice, slow service access by client, others
13. Client profile – age, ethnicity and in line with Equality Act 2010 requirements
14. Waiting time for appointments – **exception reporting** over 5 days from triage to appointment
15. Case studies will be provided at half year points – 12 per half year, and when requested by Local Authority for local campaign work
16. Evidence of outcomes for clients as a result of using the service will be expected. Method for this to be discussed with WSCC liaison officer.
17. Number of volunteers recruited for triage and comprehensive CAB adviser training
18. Number of volunteers completing formal training programme
19. Satisfaction trends from regular postcard-based response survey of clients whilst in bureaux to gauge client satisfaction level
20. Other requirements may be added after discussion with Funding Board and with Contractor in order to maximise data collected via new case recording system.

5.3 Reporting and performance measurements will be reviewed at end of Year 1 of this contract transition period.

5.4 To ensure efficient referral mechanisms into this service and others in the community across the county an updated database must be maintained of external services. Clients who cannot be supported directly through CAB

services must be referred as soon as possible to other sources of help and advice.

- 5.5 Undertake client feedback surveys over and above the client satisfaction surveys conducted by all CAB, and assist with independent surveys undertaken on behalf of the Service funders. The Funding Board meeting agenda after completion of the countywide survey by funders will include an update on the feedback and trends identified of client satisfaction or dissatisfaction.

5.5 **Promotion and Marketing of the Service:**

The Service provider must ensure that all marketing materials associated with the promotion of the Service carry text and/or logos referring to the funding support from the West Sussex Local Authorities.

6. Outcomes

- 6.1 As a result of the provision of the Service, clients will:

- Be better informed of their rights, and responsibilities in certain situations
- Be encouraged to access sources of support including but not exclusively the Service to alleviate further problems
- Have more confidence to challenge and address problems themselves
- Have increased awareness of sources of help for the future

- 6.2 As a result of the provision of the Service voluntary and statutory stakeholders will:

- Have confidence in improved provision of information, help and advice in the county, aligned to address the impact of the current economic situation
- Work to active partnership values, with efficient use of resources and referral mechanism in and across services in the county
- Have increased confidence in and visibility of the Service in co-working with Local Authorities on local and wider issues to address hardship, social exclusion and denial of rights, related to welfare reforms and other issues
- See increased opportunities for alleviating problems before they spiral into crisis, reserving resources for urgent and emergency support
- Assist with smarter commissioning informed by collection of community intelligence and awareness of gaps
- Be able to utilise the social policy data collected by Service for local, countywide and national challenges to government policy and local practice.

6.3 **Customer engagement:**

- 6.3.1 There is a need for independent feedback from those who use the Service. The Funding Board will conduct an annual survey of people who have used the Service, and also gauge awareness amongst the wider public of the scope of the Service offered. This will be carried out by a variety of methods including Survey Monkey, social media, paper returns directly to WSCC and press notices to promote public feedback from public who are currently not customers of the service. The feedback will

help inform the funders and the Contractor of potential changes and improvements to the Service, for medium and longer term enhancements. Local, acute improvements to Service delivery will be managed with the representative of the relevant Local Authority. Quality of Life questions will be part of the survey, to gain information on the impact of the Service on the overall wellbeing and ability to manage their issues among the public.

31.7.13