

<b>Classification:</b> Open	<b>Decision Type:</b> Key
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<b>Report to:</b>	Cabinet	<b>Date:</b> 08 July 2026
<b>Subject:</b>	Part A - Advocacy Contract Extension & Tender	
<b>Report of</b>	Cabinet Member for Adult Care, Health and Public Service Reform	

## Summary

1. Independent advocacy services are necessary to meet all the Councils statutory requirements under the Care Act 2014, the Mental Capacity Act 2005, the Mental Health Act 2007 and the Health and Social Care Act 2012. Statutory independent advocacy services provide support to people:
  - who may require assistance throughout the care and support assessment and through the review process,
  - who lack mental capacity to make decision about themselves
  - who are detained under the Mental Health Act
  - who require support to complain about services provided by the NHS.

Most people who receive these services reside within Bury, with a smaller number of people placed in care and support services located outside Bury also eligible to receive support.

2. Bury Council commissions n-Compass Towards a Brighter Future Limited (Company number 06845210) 'n-Compass' to deliver the adult advocacy service. The existing contractual arrangements for provision are due to reach their full term on 31<sup>st</sup> December 2026. This report provides a position update and seeks approval for a 3-month extension to the current contract and permission to retender the contract.

## Recommendation(s)

3. The report recommends that Cabinet approves the:
  - i) Tactical extension to current contractual arrangements for a further 3 months to a new expiry date of 31 March 2027.
  - ii) Authorisation to commence a tender process for an independent advocacy service, awarding a 4-year contract with the option to extend for a further 12 months, commencing on 1 April 2027.
  - iii) Delegation of contract award, following engagement, service development and tender evaluation, to the Director of Adult Social Services, with ongoing monitoring and delivery of outcomes.
  - iv) Note that the new advocacy contract will be funded from the adult social care community care budget.

## Reasons for recommendation(s)

4. The above recommendations align with the Procurement Act 2023. It is also a legal requirement for local authorities to provide an independent advocacy service that includes; Independent Mental Capacity Advocacy (IMCA), Independent Mental Health Advocacy (IMHA), Care Act Advocacy and Independent Complaints Advocacy.

People are supported by an advocate to have their voice heard, understand their rights and make informed choices, especially when they find it difficult to speak up for themselves.

Legislative changes to the Deprivation of Liberty Safeguards (DoLS) and the updated Mental Health Act 2025 will be considered as part of the new service requirements.

A project group including health and social care professionals, lived experience experts, commissioners, finance and procurement will complete a service review, collate engagement feedback from; service users, staff and stakeholders and develop an updated co-produced service specification prior to tendering the new contract.

Historically, the Greater Manchester Integrated Care Board (GM ICB) has contributed financially to this contract, as a joint commission to execute their duties relating to health issues. The Council will request a contribution to the new contract and seek to maintain the same annual budget.

### Alternative options considered and rejected

5. Summary of options considered below.

Option	Advantage	Disadvantage
Option 1 - Contract expires and no re-tender	<ul style="list-style-type: none"> <li>Financial saving</li> <li>Time and resources saved</li> </ul>	<ul style="list-style-type: none"> <li>Statutory duty not fulfilled</li> </ul>
Option 2 - Contract not extended and re-tendered for 1 January 2027	<ul style="list-style-type: none"> <li>Tender process secures a new contract that offers a quality and commercially competitive service</li> </ul>	<ul style="list-style-type: none"> <li>Impact of legislative changes in relation to DoLS ruling on 2 June 26 not fully understood.</li> <li>CYP commissioners scoping work for an all-age contract not complete.</li> <li>GM ICB decision to jointly commission a service not known in time.</li> <li>Launching a new service on 1<sup>st</sup> January that involves transferring support is challenging over Christmas break.</li> </ul>

<p>Option 3- (preferred) Contract extended and re-tendered for 1 April 2027</p>	<ul style="list-style-type: none"> <li>• Tender process secures a new contract that offers quality and commercially competitive service</li> <li>• Considers legislative changes, and has the potential to be jointly commissioned with Council CYP and NHS colleagues</li> </ul>	<ul style="list-style-type: none"> <li>• The 3 month extension period includes an inflationary increase of 5.2%.</li> </ul>
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### Background

6. Advocacy is about supporting the person to express their own views and make their own decisions using information provided to do this. Advocacy in all its forms seeks to ensure that people, particularly those who are most vulnerable in society can have their voice heard on issues that are important to them; defend and safeguard their rights and have their views and wishes considered when decisions are being made about their lives.
7. Bury Council has a statutory duty to provide a range of independent advocacy services under the Care Act 2014, the Mental Capacity Act 2005, the Mental Health Act 2007 and the Health and Social Care Act 2012.
8. The NHS has a statutory duty to provide Independent Mental Capacity Advocacy (IMCA) for certain issues relating to serious medical treatment, some accommodation and safeguarding decisions.
9. The current commissioned provider for adult advocacy is n-Compass, it is a joint commission between Bury Council and GM Integrated Care Board (GM ICB). The contract commenced in January 2024, with the option to extend for +1year and +1 year. Following review in October 2025, the contract was extended for the final year until 31 December 2026. A further extension is permitted within The Procurement Act.
10. The contract value was increased in year 2 (2025) by £100k to account for additional demand generated from Cygnet Bury Hospital starting to refer into

the service. Cygnet Bury patients are eligible to access IMHA advocacy from the Bury commissioned service. Priory Bury patients also access this service.

## **Service Review**

11. Current service performance is very good. The provider achieves strong outcomes for people supported and has adapted well to changes in practice. It delivers good value for money. A contract extension would allow for:
  - Budget clarification with GM ICB
  - Develop a greater understanding of legislation changes and their impact on advocacy practice
  - Scope the inclusion of children and young people's advocacy into one all age advocacy contract
  - Gathering further feedback from service users, stakeholders and staff via Healthwatch Bury surveys
  - Market engagement with providers
12. In summary, the service supported 1,064 people in the last 12 months, which equated to 8,135 hours of advocacy support. 593 people were supported with IMHA advocacy and 353 with IMCA, RPR and DoLS advocacy, only a small number 68 accessed Care Act advocacy and 31 NHS complaints advocacy.

## **Service Design and Co-production**

13. A project group, including practitioners from health and social care teams, people with lived experience, commissioning, finance and procurement will oversee the service design stage, underpinning the new contract.
14. Co-production will be focused on three care areas which will include what is working well, what is not working well and improving the advocacy offer.
15. It will test the Community Commissioning Co-production Charter which provides a structured approach to ensure that all participants are involved in shaping a new innovative service. It will include events to gain views on the future of independent advocacy services which will include people who access the service, professionals and service providers.
16. The project group will review service data, engagement feedback, engage with providers and work together to refresh the advocacy service specification, that will be included in the tender documents.
17. The new specification will reflect feedback from the Care Quality Commission (CQC) inspection report for Bury Council Adult Social Care Service, published in June 2026.
18. The project group will consider the implications of the UK Supreme Court landmark judgement issued on 2 June 2026, which significantly changes how

deprivation of liberty is understood and assessed for. The advocacy service includes Paid Relevant Persons Representative and 39a Independent Mental Capacity Advocacy, both elements will be affected by the legal change.

19. The group will also consider benchmarking information shared by other local councils.
20. As part of the ongoing review of Independent Mental Health Advocacy (IMHA) provision within Children's Commissioning, further work is being undertaken to assess current and future demand and to explore the most appropriate commissioning arrangements. Expanding the adult contract will be considered.

### **Procurement Tender**

21. The tender process will align to the Procurement Act 2023, a panel will design the evaluation criteria in line with Council policy. The tender documents will be published on The Chest portal in October 2026 and a robust evaluation process covering quality, price and social value criteria will be applied to all bids submitted on time.
22. A report detailing the evaluation and the proposed leading bid will be prepared and submitted to the Director of Adult Social Care with delegated authority, to award the contract.
23. The mobilisation period will commence in January 2027, and the new contract will be live from 1 April 2027.
24. The timescales can be accessed in Appendix 1.

### **Finance**

25. The Bury advocacy service has been jointly commissioned by Bury Council and GM ICB for the last 3 years.
26. The Council costs are allocated to the adult social care, community care budget.
27. A request has been submitted to GM ICB for financial commitment to the new contract.

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### **Links with the Corporate Priorities:**

28. The advocacy service supports the principles of the Bury's Let's Do It Strategy by;

- **Local** - improving access to local support, people are supported in the community and in hospital settings; advocates are local and travel to the person needing support.
- **Enterprise** – innovative ways of working and efficient operations to allow maximum case time; securing good value competitive prices following open tendering.
- **Together** – working together to design a service that delivers the best outcomes for people; health and social care professionals working together with people and their advocate for smoother progression.
- **Strengths** – supporting people to have their voice heard, understanding their rights and make informed choices, strengthening early intervention; ensuring people are supported with their health and social care needs.

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#### **Equality Impact and Considerations:**

29. An Equality Impact Assessment is attached as Appendix 2. Potential impacts were identified across several characteristics which are neutral with suggested mitigations. These mitigations will be adopted into the commissioned service at tender.

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#### **Environmental Impact and Considerations:**

30. The proposal is not expected to have a significant environmental impact. Environmental considerations will be built into procurement requirements at the point of tender.

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#### **Assessment and Mitigation of Risk:**

<b>Risk / opportunity</b>	<b>Mitigation</b>
Market capacity	There are limited organisations with the specialist skills, a pre-market event will be held to gauge the market interest and help shape the specification.
Cost pressures for the Council and providers	The budget was increased in 24/25 due to significant growth in demand, it delivers good value. The tender exercise will seek good value.

Continued good service	Monitoring of contract performance will continue, evaluation and analysis of service data is useful to understand future requirements.
Legal implications – impact on advocacy practice	The LPS and Mental Health Act 2025 will potentially alter advocacy practice; legislative changes will be monitored to ensure a good understanding of the phased introduction and their implications.

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### **Procurement Implications:**

31. The existing contract expires end of December but in discussions with stakeholders have agreed to a tactical extend for a further 3 months to ensure the implementation is post Christmas as opposed going live with a potential new service 1<sup>st</sup> January. The Pre-Market engagement notice on approval of the paper will be published which mitigates the risk of any legal challenge to the 3 month extension. The exercise will be conducted in accordance with Procurement Act 2023

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### **Legal Implications:**

32. The local authority has statutory duties to secure independent advocacy under the Care Act 2014, Mental Capacity Act 2005 (IMCA) and Mental Health Act 1983 (IMHA), alongside provision for independent complaints advocacy. Services must be independent, accessible and lawfully commissioned in compliance with procurement and Equality Act 2010 duties. Non-compliance may give rise to legal challenge. The proposed extension to the current contract and re-procurement of this service provision will ensure that the Council is meeting these obligations.
33. The contract provides for an initial one-year term with two one-year extensions, which have been fully utilised up until 31<sup>st</sup> December 2026. There is therefore no contractual right to extend the agreement further. The Council seeks to 'extend' the contract by a further 3 months so that it has sufficient lead-in time to re-procure the service. However, it should be noted that any proposed continuation beyond the current expiry would constitute a new arrangement rather than an extension under the existing contract, and may amount to a material modification for the purposes of the Public Contracts Regulations 2015. Proceeding without a lawful procurement basis carries a risk of challenge for the Council and audit criticism. If a short period of continuation is considered unavoidable to ensure service continuity, this would need to be treated as a strictly time-limited interim arrangement, supported by a clear and documented procurement law justification, alongside the commencement of a compliant procurement exercise.

34. The Council must ensure that the chosen procurement route complies with the Procurement Act 2023, including the statutory objectives of transparency, equal treatment and value for money, and with any applicable transitional provisions depending on the timing of the procurement, in addition to following our Contract Procedure Rules. Failure to follow the applicable procurement regime or internal rules may expose the Council to challenge, including procurement disputes and potential remedies such as ineffectiveness or damages.
35. Procurement via The Chest (the North West local authority e-procurement portal) supports compliance with the Procurement Act 2023 by providing a transparent, open and auditable platform through which opportunities are advertised and competed. The Act requires contracting authorities to conduct procurements in accordance with the principles of transparency, equal treatment and fair competition, and to ensure proportionate and value-for-money outcomes. Use of The Chest facilitates these requirements by enabling equal access to the market, structured electronic submission of tenders, and a clear audit trail of the procurement process, thereby supporting a lawful and robust award decision.
36. Cabinet can delegate the contract award decision under the Council's Constitution and Scheme of Delegations. Approving the recommendation would enable the award decision to be made by the delegated decision maker within the parameters already agreed by Cabinet, and in accordance with the Council's Contract Procedure Rules. The delegated officer must ensure that the procurement has been conducted lawfully and in accordance with the published evaluation criteria. Delegation avoids the need to return to Cabinet and does not present additional risk, provided that the award is within the scope of the approvals already given.

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### **Financial Implications:**

A three-month extension through to the end of March 2027 will lead to a projected overspend of £3.3k in the current financial year that will need to be mitigated in the wider service budget.

The recommissioning of this service going forward will need to be within existing budget provision.

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### **Appendices:**

Appendix 1 – Adult Advocacy Tender timescales

Appendix 2 – Equality Impact Assessment

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**Background papers:**

None.

**Please include a glossary of terms, abbreviations and acronyms used in this report.**

<b>Term</b>	<b>Meaning</b>
GM ICB Greater Manchester Integrated Care Board	NHS Greater Manchester (NHS GM) is the Integrated Care Board for Greater Manchester and is responsible for making decisions about health services across Greater Manchester and in the ten boroughs and cities.
IMCA Independent Mental Capacity Advocate	trained professionals who support individuals who lack capacity to make important decisions, ensuring that their views and wishes are respected. The role was introduced by the Mental Capacity Act 2005 to provide legal safeguards for those unable to make decisions about their living arrangements or medical treatment.
DoLS Deprivation of Liberty Safeguards	A legal framework to protect individuals who cannot consent to their care and may be deprived of their liberty in care settings.
RPR Paid Representative	A PRP is a paid advocate who represents individuals who may be deprived of their liberty in a care home or hospital, ensuring their rights and best interests are upheld throughout the process.
LPS Liberty Protection Safeguards	The Liberty Protection Safeguards were introduced in the Mental Capacity (Amendment) Act 2019 and will replace the Deprivation of Liberty Safeguards (DoLS). It will provide protection for people aged 16+ who are or who need to be deprived of their liberty