

Cheltenham Borough Council
Cabinet – 12th October 2021
Advice and Inclusion Contract

Accountable member	Councillor Mike Collins, Cabinet Member - Housing
Accountable officer	Martin Stacy, Lead Commissioner – Housing Services
Ward(s) affected	All
Key Decision	No
Executive summary	<p>The council's Advice and Inclusion Contract (the contract) provides independent advice and assistance on debt, financial inclusion, benefits and housing rights advice for residents of Cheltenham. Whilst the service is not a statutory requirement, it does form a key part of the council's housing and homelessness strategy in tackling and preventing homelessness, and in supporting vulnerable people.</p> <p>The contract was last tendered in 2017 and awarded to CCP (Caring for Communities and People). It expires at the end of March 2022. The purpose of this report is to seek approval from Cabinet to retender the contract.</p>
Recommendations	<ol style="list-style-type: none">1. To retender the Advice and Inclusion Contract for a term of 3 years from April 1st 2022, with the option of extending the term for a further 2 years, subject to satisfactory performance and available finance.2. To authorise the Lead Commissioner – Housing Services, in consultation with Cabinet Member – Housing, to award the contract to the successful tenderer, following evaluation of bids.3. To authorise the Lead Commissioner – Housing Services, in consultation with Cabinet Member – Housing, to extend the contract for a further 2 years following the end of the first 3 years of the service contract, subject to satisfactory performance and available finance.

Financial implications

The council's budget for this contract remains at £108,200 a year. This includes a £26,300/year contribution from the Housing Revenue Account. Should the financial requirements for the delivery of this contract exceed the current available budget, then relevant approvals will be sought in order to make up the difference. Any risk relating to this is being mitigated, as detailed in the risk register at appendix 1.

Re-tendering of the Advice & Inclusion Contract will be a financial commitment for a period of 3 years, plus a further 2 years, subject to satisfactory performance of the Provider(s) and available finance.

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<p>Legal implications</p>	<p>The existing Advice & Inclusion Contract does not need to be formally terminated as it will expire on 31st March 2022. Any new contract awarded will go through a tendering process, within the timelines specified in this Report.</p> <p>The value of the contract means that the tendering process is subject to the Public Contracts Regulations 2015. However, the nature of the services places the contract within the regulations’ “light touch” regime: The council is required to advertise via a notice in the Find a Tender Service website and Contract Finder but has considerable leeway in the process it uses to award the contract. The council need not use one of the formal procedures described in the regulations as long as it utilises a method that conforms to the wider obligations of equality of treatment of bidders and transparency in the process.</p> <p>Statutory guidance relating to local authorities’ Best Value Duty requires the Council to undertake the consultation of “representatives of a wide range of local persons” at “all stages of the commissioning cycle, including when considering the decommissioning of services.”</p> <p>In designing and commissioning the service the Council has to pay due regard to its public sector equality duty, as contained in Section 149 of the Equality Act 2010:</p> <p>The council should consider the relevance of the duty to the service and then retain evidence in order to show that it has done so.</p> <p>Contact officer: One Legal legalservices@onelegal.org.uk</p>

HR implications (including learning and organisational development)	<p>No direct impact on CBC as a direct result of this report.</p> <p>In the event that the contract is awarded to a new provider, this will qualify as a service provision change under the “Transfer of Undertakings (Protection of Employment) Regulations 2006” (as amended by the “Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014”). Accordingly the staff employed by the current provider will transfer on their terms and conditions at the date of transfer to the new provider.</p> <p>Contact officer: Clare Jones, HR Business Partner</p> <p>Clare.jones@publicagroup.uk 01242 264364</p>
Key risks	<p>The risks are set out in the risk matrix, Appendix 1</p>
Corporate and community plan Implications	<p>The retendering of this contract will support the council’s corporate priority: ‘Increasing the supply of housing and investing to build resilient communities’, as well as the council’s place vision: ‘Cheltenham is a place where people and communities thrive’.</p>
Environmental and climate change implications	<p>None as a direct result of this report.</p>
Property/Asset Implications	<p>None as a direct result of this report.</p>

1. Background

1.1 Cheltenham Borough Council currently has an Advice and Inclusion Contract with CCP to deliver Debt and Debt Prevention Advice, Benefits Advice, and Housing Rights Advice to residents within Cheltenham. A summary of each of the different areas of advice is provided below:

1.1.1 Debt Advice and Advocacy

- The debt advice service provides advice and assistance on all matters relating to debt, where housing-related debt forms part of the overall debt. Services include: negotiating with creditors, arranging for debt to be set aside, and representation in court proceedings and tribunals. Clients' incomes are also maximised through Benefit Take-Up advice, and, where appropriate, additional financial assistance is sought from charities and other relevant organisations to help further reduce any unmanageable debt.

1.1.2 Financial Inclusion

- The financial inclusion service provides advice and assistance to households in developing their knowledge and skills in order to improve their financial capability, including effective budgeting. This work often overlaps with clients seeking debt and benefits advice, and help with digital inclusion (e.g. in helping a client to access basic online financial services).

1.1.3 Benefit Take-up Advice & Representation/Advocacy

- This service provides advice and assistance for clients seeking help with their benefits. It involves liaising with relevant agencies in respect of benefit claims, and in particular, representing clients in tribunals and/or assisting them through appeals processes.

1.1.4 Housing Rights and Homelessness Prevention

- The housing rights service provides advice and assistance to enable households to better understand their legal rights and to protect these rights from being potentially abused. The service will represent clients who are at risk of homelessness as a result of actions being taken by relevant bodies and individuals, such as private landlords (e.g. illegal evictions, harassment), social landlords (e.g. decisions to serve notice) and mortgage providers. This early intervention work can have the effect of delaying and indeed preventing homelessness.

1.1.5 In summary, the following outcomes are expected to be delivered under this contract:

- The prevention of homelessness;
- Reduction in unmanageable debt;
- The prevention of future unmanageable debt arising;
- Maximisation of incomes through the take up of benefits;
- Ensuring that residents (and in particular vulnerable residents) are adequately assisted in securing their rights in respect of the services provided under this contract.

1.2 The current contract is due to expire on 31st March 2022. It is proposed that it is retendered on broadly the same terms as provided under the existing contract, for the reasons specified below.

2. Reasons for the decision

2.1 The Advice and Inclusion service plays a key role in supporting the council's Housing, Homelessness & Rough Sleeping Strategy 2018-23. It has a focus on preventing homelessness, both directly, through protecting the rights of individuals in their homes and challenging actions by private and social housing landlords; and also indirectly, through its emphasis on helping people to manage their debt and on preventing future unmanageable debt from arising.

2.2 A key element of the Advice & Inclusion Service is its role in supporting vulnerable people. The service places particular emphasis on ensuring that our more vulnerable residents receive appropriate assistance so that their rights are protected. In turn, this commitment reflects the council's Place Vision, which is for Cheltenham to be a place where all people and communities thrive.

2.3 In the aftermath of Covid, there is some uncertainty at present over what impact the government's lifting of its eviction ban and the ending of its furlough scheme will have on jobs and homelessness. At a time when incomes may reduce, unmanageable debt may rise and when homelessness may increase, it seems appropriate that Advice & Inclusion services continue.

3. Alternative options considered

3.1 Not to retender this advice service. Whilst there is no statutory requirement for the council to fund this service, the reasons for doing so are detailed in section 2 above.

3.2 To reduce the range of advice services proposed within the contract. This option has been rejected on the basis that debt, financial exclusion, poor digital capability and housing can often be inextricably linked. Providing a holistic assessment of a household's overall debt, benefits and housing needs will ensure that risks of homelessness are minimised, as vulnerable clients in particular can often become 'lost' when being referred from one agency to another.

3.3 To provide the service in-house. This was rejected on the basis of the significant potential for Added Value gained through contracting this service out to an external provider. In addition, the Advice & Inclusion service offers a degree of independence from the council, thereby providing the opportunity for residents to seek help in challenging (where appropriate) any adverse decisions taken by Cheltenham's Housing Options Service and by Cheltenham Borough Homes in its management of our council-owned properties. This extra layer of scrutiny and potential challenge can only serve to keep driving high standards in the delivery of our services.

4. How this initiative contributes to the corporate plan

4.1 The retendering of this contract will support the council's corporate priority: 'Increasing the supply of housing and investing to build resilient communities', as well as the council's place vision: 'Cheltenham is a place where people and communities thrive' for the reasons specified in section 2 above.

5. Consultation and feedback

5.1 Consultation has been undertaken with local advice providers to consider gaps and to test whether the council has got its priorities right in terms of its proposed service provision in the context of the local market. All support the proposals, and all agree these priorities are appropriate to help address local needs.

- 5.2** In addition, consultation has been undertaken with Cheltenham’s Housing Options Service, who are also supportive of the proposals.
- 5.3** Finally, wider consultation has been undertaken with the council’s Communities Partnership and the Housing & Support Forum. Again, there was unanimous support of proposals from those who fed back. There was a recommendation that the council reconsiders ‘drop-in’ arrangements in light of how services have moved more towards appointment-based delivery following the covid pandemic. Accordingly, we have updated the specification to allow for greater flexibility for the provision of appointment-based services, whilst still keeping open the potential requirement for drop-in services, should the demand for such services require this.

6. Performance Management – Monitoring and Review

- 6.1** Performance will be monitored on a quarterly basis throughout the period of the contract against a detailed specification and KPIs.

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Appendices	1. Risk Assessment
Background information	

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	I	L	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the proposal to re-tender the Advice & Inclusion Contract, along with a new service specification, is not agreed, then this is likely to lead to more residents, particularly vulnerable households, being incapable of managing their financial affairs adequately, falling into debt and/or becoming homeless. This is also likely to put significantly increased pressures on Cheltenham Borough's Housing Options Team and other services. In particular, it is likely to lead to the increased use of inappropriate temporary accommodation, such as Bed & Breakfast, at additional cost to the council.	Martin Stacy	13.8.21	3	4	12	Reduce	Cabinet agrees to retender the Advice & Inclusion Contract.	31.3.22	Martin Stacy	
	If there is no provider willing or able to offer the service as detailed within the service specification for the estimated value of the contract, then local needs will not be supported.	Martin Stacy	13.8.21	3	1	3	Accept	pre-market engagement (aka soft marketing testing) has been undertaken with a number of local advice providers, all of whom support the proposed	31.3.22	Martin Stacy	

								service specification. The proposed service specification is not substantially different from the existing specification currently being delivered by CCP on behalf of the council.			
	If the successful bidder's proposed contract price exceeds the current available budget, then further approvals may be needed to finance the difference, should there remain an appetite to commission this service	Martin Stacy	13.8.21	1	4	4	Reduce	Some local advice providers have been advised of the likely contract price and to date no concerns have been raised. If required, consider the use of other potential funding streams to protect any impact on the General Fund.	December 2021	Martin Stacy	