

**Manchester City Council
Report for Information**

Report To: Citizenship and Inclusion Overview and Scrutiny
Committee – 3 February 2010

Subject: **Advice Services – Commissioning Intentions**

Report of: Liz Bruce, Strategic Director, Adult Social Care

Summary

The report informs members of the Citizenship and Inclusion Overview and Scrutiny Committee of the progress made towards the development of Community Legal Advice Services in Manchester.

Recommendations

That the Citizenship and Inclusion Overview and Scrutiny Committee note the contents of this report.

Wards Affected:

All

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Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

Review of Advice services in Manchester
Report to the Executive, July 2009

1.0 Introduction

- 1.1 Following a previous report to this committee in March 2009 and the subsequent decision by the Executive Committee in July 2009 to jointly commission Community Legal Advice Services with the Legal Services Commission, this report provides an update on actions and progress made towards developing a comprehensive model of legal and advice services for Manchester residents.

2.0 Background

- 2.1 The independent review of voluntary sector advice services in Manchester by Michael Bell Associates confirmed that the ad hoc provision of services funded by grant aid, although generally of high quality, were fragmented and did not consistently provide access to advice to residents across the city. A more strategic approach to provision was required. The scale of Manchester's investment in these non-statutory services was also noted, placing the city among the top five authorities in the country.
- 2.2 A key recommendation of the report suggested that particular attention could be paid to a more joined up model of delivery which would enable residents to access advice more easily and at an earlier stage, enabling timely resolution of legal problems and preventing escalation into crisis.
- 2.3 At the same time, the Legal Services Commission (LSC), which is the other main funding body for legal advice services, indicated their intention to review their procurement of these services as outlined in their national strategy, and outlined a timetable for procurement which was intended to deliver combined contracts by April 2010.
- 2.4 The LSC had also declared an interest in working jointly with local authorities to maximise the value of both funding streams and make the best use of resources by purchasing integrated services. Jointly commissioned services in single contract arrangements have already opened in Gateshead, Leicester, Portsmouth, Derby and Hull. Current tendering arrangements are in place in West Sussex, Barking and Dagenham and East Riding. The LSC is in active discussions with a number of other local authorities on jointly commissioning services.
- 2.5 It appeared timely to begin discussions with the LSC to identify and overcome any barriers to joint commissioning, along with developing a model to suit the needs and scale of Manchester. The Leader of the Council met Lord Bach, the Parliamentary Under Secretary of State for the Ministry of Justice, and secured agreement on both the timing of the initiative and on the scale of investment required for Manchester.
- 2.6 The agreement reached has since been ratified by both MCC and the LSC in the form of a Memorandum of Understanding, which is attached as an appendix to this report. The key feature of this agreement is the

number of contracts to be awarded in Manchester, three in total, with a combined value of £9 million over three years. This will make the Manchester Community Legal Advice Service the largest service of its kind in the UK and will enable Manchester to develop a new model of services which will vastly improve the legal advice landscape for residents at a time when demand for advice has increased exponentially as a result of the recession.

- 2.7 The previous report to this committee outlined the council funded support that organisations have been offered through an arrangement with the Manchester Alliance for Community Care, the purpose of which is to help agencies understand the commissioning process and to have tailored business support. In addition to this, an extensive training course was delivered to local organisations by an umbrella body, Advice UK.

3.0 The Case for Change

- 3.1 Although public funding for legal advice services has been generous in Manchester, funding patterns reflect historical decisions rather than responding to current need. Similarly the LSC funding has been demand led, too often reflecting where legal aid providers are located rather than targeting areas of highest need. The move to three year contracts - with the option of a two year extension- will allow providers to plan their services with confidence and may provide an opportunity to lever in additional funding based on secure contractual arrangements.
- 3.2 There are parts of Manchester where need for services is high but provision is limited, including restricted opening hours. Services are largely reactive, leaving little opportunity to target those most in need or who are unable to access services during traditional opening hours because, for example, they are working. The move to joint commissioning will allow MCC and the LSC to target resources more flexibly to meet the current and emerging needs of Manchester residents and will ensure that regional and national resources can be drawn upon to supplement the range of provision in the city.
- 3.3 There is a lack of coordination between providers in relation to public information and opening hours, and evidence that these can change at short notice. The physical condition of many premises does not provide a welcoming or appropriate space for clients or staff and many are not accessible under DDA. Longer term secure funding will enable services to develop an estates strategy to ensure that they can operate from premises that are fit for purpose and fully accessible. The Council will use its best endeavours to source suitable premises where possible for delivery of outreach services.
- 3.4 As well as making sure that services are physically and geographically accessible to people, there are other challenges in relation to

accessibility. Telephone and web-based access to advice needs further development. In key areas such as debt advice there are long waiting lists for appointments. People in work struggle to access services and services in community languages have not altered to meet the needs of newly arrived communities. Service specifications will be based on a current and thorough assessment of need and will be refreshed during the life of the contracts to ensure that they remain relevant.

- 3.5 The opportunity to commission services will enable MCC to make sure that new services support the council's top priority of tackling worklessness and breaking cycles of deprivation, as well as being more closely aligned to the delivery of LAA targets and making a contribution to addressing child poverty and promoting financial inclusion.

4.0 The model for Community Legal Advice Services in Manchester

- 4.1 Integrated services will address client needs by ensuring that multiple problems can be addressed in one place and at an appropriate general or specialist level. Services can support clients at all stages of their problem, from providing information to representation at court. A set of detailed specifications for the new services is being worked on at the moment. All potential providers have been consulted on these and have had opportunities to help to develop these. The overall vision for the new services is outlined below.

- 4.2 There will be three contracts for services in Manchester. Each contract will cover two of the six districts of Manchester. Services will be delivered in each of the six districts. These are:

North East District and North West District (covering the wards of Ancoats and Clayton, Bradford, City Centre, Miles Platting and Newton Heath, Charlestown, Cheetham, Crumpsall, Harpurhey, Higher Blackley, Moston)

Central West District and Central East District (covering the wards of Chorlton, Fallowfield, Hulme, Moss Side, Rusholme, Whalley Range, Ardwick, Gorton South, Gorton North, Levenshulme, Longsight)

South District and Wythenshawe District (covering the wards of Burnage, Chorlton Park, Didsbury East, Didsbury West, Old Moat, Withington, Baguley, Brooklands, Northenden, Sharston, Woodhouse Park).

Outreach services will be delivered, to be determined by local need.

There will also be LSC funding available for three Solicitor Training Contracts, one for each of the three district contracts, and a Housing Possession Court Duty Scheme (for the contract covering the location of the county court only).

- 4.3 Contracts can be awarded to one provider or a number of providers bidding together; however for consortium bids we intend to contract with a sole lead bidder. It will be the responsibility of the lead bidder to ensure that any sub-contractor meets the required level of performance.
- 4.4 Each centre will provide face to face legal advice services, open at times to suit client need, in core subjects of civil law including debt, tax credits and welfare benefits, housing, employment, community care, consumer matters and immigration (to Office of the Immigration Service Commission level one). In addition, family law advice will also be included. Further services offered will depend on the specific needs of localities.
- 4.5 Community Legal Advice Centres will also provide the full range of advice, from information through to representation, as well as helping to tackle the causes of problems by way of social policy work and raise awareness of rights by providing, for example, information and self-help packs.
- 4.6 It is expected that the LSC funding will support cases which meet the merits and means test for legal aid. MCC funding will support all clients who do not meet the means test for legal aid. This means in practice that all residents with a meritorious case will be able to access advice and representation from Community Legal Advice Services.
- 4.7 Centres will be expected to develop close working arrangements with other providers in their localities to make sure that clients they are unable to help directly can get the help they need. Centres will also work closely with the Community Legal Advice helpline to ensure that clients are referred effectively between the two services, and will need to develop joined-up working arrangements with the Council's in-house advice service, Manchester Advice, to avoid duplication.

5. How we will establish the Manchester Community Legal Advice Services

- 5.1 A project group consisting of officers from the council and the LSC has been established, and are producing local needs analyses, service specifications and performance frameworks for the services. The group has also engaged with local stakeholders including existing and potential providers from the voluntary sector, solicitors in private practice and private sector providers. In addition, the Law Society, Advice UK, the Law Centres Federation and representatives from Citizens Advice have made representations to the Council in response to the proposals.
- 5.2 Once the service specifications have been finalised, we will run a joint tender process for the services we have specified. This will be an open tender process in compliance with the financial regulations of MCC and

the LSC and in accordance with EU law. This means that organisations from any sector may bid for the contracts providing they meet the criteria. MCC and the LSC will jointly award the contracts to the bids that best meet the criteria.

- 5.3 Once the contracts have been awarded they will be jointly monitored on progress and performance by a funding board made up of representatives from MCC and the LSC. Day to day contract management arrangements will be put into place to provide regular updates to the funders board.
- 5.4 The service specifications and the contracts will detail the expected performance targets for services against which they will be monitored. Service providers will be expected to report the work that they are undertaking on a regular basis, and this will be used for contract management purposes.
- 5.5 If performance falls short of the standards required then a range of actions may be taken. This may include agreeing an action plan to remedy any breach of contract, reducing future payments, recouping earlier payments, formal contract warnings or termination.

6 Consultation activity and timetable

- 6.1 At the time of writing, both MCC and the LSC are undertaking extensive consultation exercises with all providers who are interested in bidding for new contracts in Manchester. An open event was held in December and a further event is planned in January to consult on the draft specifications for services.
- 6.2 Officers have also briefed interest groups including the Manchester Law Society, Advice UK, the Law Centres Federation and Citizens Advice as well as the local Manchester Community Legal Advice Partnership on the proposals and have received positive feedback and constructive suggestions which will feed into the final service specifications.

In addition, consultation on the new proposals is planned for users of services at the end of January, and the publication of the tender documents on the Council's procurement portal, "The Chest", will be accompanied by a facility to ask questions and publish responses online. The indicative timetable for activity is set out below:

Case for Change Issued	End November 2009
Case for Change Pre-Specification Consultation Event	04/12/09
Community group/potential service user consultation meetings	December 2009
Pre-Specification Consultation Closes	18/12/09

Draft Specification Issued	22/12/09
Draft Specification Provider Event	08/01/10
Draft Specification Consultation Closes	29/01/10
Advert/OJEU ¹ Notice	Mid February 2010
Pre Qualification (PQQ) issued	Mid February 2010
PQQ Appraisal	Mid March 2010
Tender issued	Start April 2010
Tender Deadline	End May 2010
Tender Appraisal	1 st Week June 2010
Internal Approvals (Committee/Key decisions)	2 nd Week June 2010
Pre-contract clarifications (if required)	End June 2010
Contract Award (following Alcatel ²) period	Start July 2010
Service Commencement	October 2010

These dates are provisional and subject to change

* Definitions:

¹ OJEU - Official Journal of the European Union - In terms of the timeline it means that we publish an electronic contract notice in the journal in accordance with Public Contracts Regulations . This ensures visibility of the contract opportunity for suppliers.

²Alcatel - Is a mandatory standstill period (named after a legal case) in accordance with the EU Directives whereby the contracting authority shall allow a period of at least 10 days to elapse between the date of the despatch of notice of intention to award contract and the date which the contracting authority proposes to enter into the contract or framework agreement. During this period, economic operators (e.g. suppliers, providers) can request a debriefing. At the end of the 10 day period the contract may be concluded if there is no legal challenge.

MANCHESTER
COMMUNITY LEGAL ADVICE SERVICES

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE LEGAL SERVICES COMMISSION

AND

MANCHESTER CITY COUNCIL

This memorandum of understanding is made between the Legal Services Commission ("the LSC") and Manchester City Council ("the Council") jointly referred to in this document as "the Funders".

The Legal Services Commission

The Legal Services Commission is responsible for legal aid in England and Wales. We work in partnership with solicitors, not-for-profit organisations and commercial providers to help people in need get the information, advice and legal help they need to deal with a wide range of legal problems. Our work is fundamental to social and legal justice. Our clients are often vulnerable and socially excluded people. Through the provision of information, advice and legal representation, we help around two million people each year get access to justice.

The Community Legal Service ("CLS") is our scheme for providing help on civil (i.e. non criminal) problems. It consists of a network of legal and advice funders and providers across government and the private and voluntary sectors. Through the CLS, people can access relevant, high quality information, advice and assistance to help with a wide range of civil matters including debt, tax credits and welfare benefits, housing, employment, community care and family law.

The LSC has published its strategy for the Community Legal Service setting out the way that it will procure services over the coming years, details can be found at:

http://www.legalservices.gov.uk/civil/innovations/strategy_for_cls.asp.

A key component of this strategy is setting up Community Legal Advice Services (i.e. Centres/Networks) jointly with local authorities to provide a holistic service to meet legal advice needs from diagnosis and information through to advice and assistance to legal representation in complex court proceedings.

A national body, the Legal Services Commission is represented at regional level with an office base and staff in Manchester.

The Council

The city of Manchester has made many advances over the last decade. Areas of the City which have suffered from acute economic and social deprivation have been transformed over this period whilst other areas have substantially improved future prospects. The city centre has been radically improved, and the range of attractions and facilities it offers to residents and visitors has been strengthened and expanded. Increasingly, people want to live in the

City, not simply work in or visit it. Manchester Airport, our Universities and our other major economic and cultural assets continue to develop. The Commonwealth Games has given a further stimulus to investment, development and to the prominence that Manchester enjoys as the regional capital of the North West.

But much remains to be done. Alongside our successes there are neighbourhoods which have acute levels of poverty and deprivation, low skills, poor educational attainment, high levels of ill-health and crime, and a poor physical environment. The challenge for Manchester, for the next decade and beyond, is to improve the quality of life of all Manchester residents, increase their social and economic prospects for the future, and enable them to participate fully in the life of the City. Manchester City Council is one of the largest funders of advice services in the country, and we recognise the key role that advice services can play in improving the lives of our residents.

Introduction to our Agreement

The LSC and the Council have agreed to collaborate on the provision of Community Legal Advice Services in Manchester through external providers. The services will provide accessible integrated services for the provision of general and specialist legal advice and legal representation. *These services will be marketed to serve the population of Manchester, exclusively.* The services will be publicly funded jointly by the funders but the advice provided by the services will be independent of funders and government.

Our Joint Aims

The Funders have joint aims to establish services which:

- Enable individuals to protect their fundamental rights and resolve legal disputes;
- Tackle disadvantage and promote social and financial inclusion;
- Deliver legal advice services to local communities in Manchester according to a clear understanding of local needs and ensuring that services continue to meet any identified needs and priorities;
- Provide quality assured integrated legal advice services ranging from basic information to representation in court, which offer value for money and are supported by co-ordinated funding;
- Provide advice which is independent of funders and government; and
- Provide seamless services which are focussed on local need to tackle complex, multiple problems at an early stage to avoid escalation.

We will work cooperatively in mutual trust and confidence to achieve these aims and to:

- achieve the best possible value for money; and
- ensure effective reviews of the services by working with each other and the Legal Services Research Centre (or other relevant organisation(s) working on their behalf).

The Project

In Manchester the Councils Executive Committee, on behalf of Manchester City Council and Hugh Barrett, Executive Director of Commissioning on behalf of the Legal Services Commission have all agreed in principle to taking forward a project to procure the services through Community Legal Advice Services.

The Model

There will be three contracts for services in Manchester. Each contract will cover two of the six districts of Manchester. Services will be delivered in each of Manchester's six districts. These are:

- 1. North East District and North West District** (covering the wards of Ancoats and Clayton, Bradford, City Centre, Miles Platting and Newton Heath, Charlestown, Cheetham, Crumpsall, Harpurhey, Higher Blackley, Moston)
- 2. Central West District and Central East District** (covering the wards of Chorlton, Fallowfield, Hulme, Moss Side, Rusholme, Whalley Range, Ardwick, Gorton South, Gorton North, Levenshulme, Longsight)
- 3. South District and Wythenshawe District** (covering the wards of Burnage, Chorlton Park, Didsbury East, Didsbury West, Old Moat, Withington, Baguley, Brooklands, Northenden, Sharston, Woodhouse Park).

Outreach services will be delivered, to be determined by local need.

Project Resource

It is proposed that the budget for this project be drawn from the LSC's Community Legal Service Fund and Manchester City Council's Council's Adult Social Care Budget.

The proposed fund available is:

- From the LSC¹: £1,500,000 for advice each year for an initial period of three years, together with public funding certificates where appropriate
- From the Council: £1,500,000 for advice each year for an initial period of three years

¹ Based upon indicative LSC funding for Manchester.

These figures include an allowance for family law but additional monies will be available for family work, to be contracted separately.

There will also be LSC funding available for the following

- 3 Solicitor Training Contracts, one for each of the three district contracts
- Housing Possession Court Duty Scheme (for the contract covering North East and North West Districts only)

We may change these figures from time to time but not to the detriment of the development of the services (i.e. make them untenable to deliver).

The total annual price for each of the three contracts will be at least £3 million over an initial period of three years. The exact value of each contract will be reflective of local need and agreed following completion of the local needs analysis.

Working Group

In addition to the above resource the LSC and Manchester City Council will also contribute resources to take forward the work up to the point of signing of the contract for the new services.

The funders have appointed the following individuals (this list may be subject to change) to a working group tasked with taking forward the project:

- *Fionnuala Stringer, Assistant Director, Strategy and Commissioning, Department of Adult Social Care*
- *Hazel Summers, Head of Commissioning, Department of Adult Social Care*
- *Mike Gorman, Lead Commissioner, Advice, Early Intervention and Prevention Services, Department of Adult Social Care*
- *Liz Treacy, Head of Legal Services, City Solicitors Department*
- *Ian Brown, Head of Corporate Procurement*
- *Keith Davies, Head of Homelessness, Department of Adult Social Care*
- *Neela Mody, Strategic Financial Inclusion Champion, Chief Executives Department*
- *Carolyn Schofield, Legal Services Commission Area Relationship Manager (North West)*
- *Paul Newall, Legal Services Commission, Head of Civil Policy*

The LSC and Manchester City Council will ensure that those involved in this project are given sufficient time to facilitate the working group delivering the required activities, as listed below, through to the point of the contracts for the new services being signed.

The Working Group will work in a co-operative manner, will be open and honest, sharing all information considered relevant to the development of the services. Members of the working group will share issues at the earliest opportunity and will respond in a timely manner.

The Working Group will operate to the following terms of reference:

The working group will meet on a monthly basis or more frequently as required and will be responsible for developing and implementing Community Legal Advice Services in Manchester. In particular it will:

- a. Establish plans and timeframes for implementing services and document these plans in service implementation plans;
- b. Monitor progress against plans and update the service implementation plans on a regular basis;
- c. Agree the services to be delivered, this will include:
- d. An analysis of need and supply for the areas to determine local priorities and access targets;
 - i. An analysis of existing spend and an identification of funding contributions from all funders;
 - ii. Production of a funding model outlining what the individual funding contributions (from each funder) will be used for;
 - iii. Production of performance targets and service requirements based on i – iii above (i.e. service specifications);
 - iv. Engage with stakeholders to inform priorities and targets.
- e. Establish arrangements for and undertake a joint commissioning exercise through an open tender, produce necessary tender documentation (see overleaf), identify tender evaluation panel and award and finalise contracts.
- f. Agree and sign a Memo of Understanding (i.e. agreement between funders on working together to establish services and an Interface Agreement (i.e. agreement between Funders at the point of awarding contracts and funding);
- g. Establish and agree contract management arrangements.
- h. Manage all communications activities relating to the development and establishment of the services, involving relevant communication individuals as necessary (e.g. LSC Regional Communication Managers).

(Note: Once the services have been implemented and established the working group will cease to exist in its current form. A replacement 'Funding Board' will be established as part of the contract management arrangements for the service. The Funders will be represented on the Funding Board and will be responsible for monitoring the service and its progress against agreed targets. The Board will also be responsible for managing all related Communications activities.

Sign Off Process

The approval and sign off process for each key stage of the project is:

- For the Council: Jan Didrichsen, Interim Director, Adult Social Care
- For LSC: Civil Policy Team, Manchester Regional Office and Corporate Legal Team

Signed by:

On behalf of the Legal Services Commission:

Name & Post: Carolyn Schofield, Area Relationship Manager

Signature:.....*e.j. Schofield*.....

Date:.....*9.10.09*.....

On behalf of Manchester City Council:

Name & Post: Jan Didrichsen, Interim Director, Adult Social Care

Signature:.....*Jan Didrichsen*.....

Date:.....*12/10/09*.....