



# Voluntary Sector Tendering - Advocacy Briefing Paper

## Introduction

CVS Fife and Fife's Voluntary Sector take the role of partnership within Community Planning and with the individual Community Planning Partners very seriously and it is within the spirit of partnership that this briefing note has been prepared. This particular briefing note has been prepared primarily in response to the recent decision relating to the contract to provide Advocacy Services in Fife and in particular to the loss of that contract by Fife-based Voluntary Organisations. As a Council for Voluntary Service, our concerns over the Advocacy tender relate to the wider implications of the loss of this contract to the Voluntary Sector in Fife and, in turn, to partnership relationships.

With regard to Advocacy Services, CVS Fife, in the spirit of partnership, did prepare a briefing note for all members of the Social Work and Health Committee in October 2008 on issues relating to tendering and the Voluntary Sector. Within that note we flagged up concerns about what might ensue if the consequences of tendering for social care services were not carefully considered - sadly the concerns we raised at that time are now the reality. We also indicated we would welcome further discussions on the areas of concern which we raised - unfortunately only Councillor Brett, Chair of the Committee, took up our offer.

The loss of the Advocacy Services contract by locally-based Voluntary Organisations has created hurt, stress and some bitterness within the organisations concerned, emotions which are shared by many organisations and individuals who have worked with them. It is the view of CVS Fife that this could have been avoided. It is our sincere wish that this briefing note will give decision-makers the opportunity to step back, consider what may be lost and re-think the approach.

## Advocacy Services in Fife - A brief history

Fife Advocacy was established in 1992 and Fife Mental Health Survivors (TODAY Group) was established in 1993.

Fife Regional Council Social Work Service was instrumental in bringing together the forming partners - Fife Alzheimers; SAMH (Scottish Association for Mental Health) and ROF (Rights Office Fife) - to form Fife Advocacy. Part of the drive was service need/gap; part of the drive was an innovative Social Work Service which worked very closely with Voluntary Sector Organisations as partners and part of the drive was knowledge that there were significant central government funds around to help meet the client need and the funds were easier to access through partnership with the Voluntary Sector. During the set up period Fife Regional Council Social Work Service encouraged the new Management Committee to offer Terms and Conditions that were comparable to the terms and conditions available to FRC Social Work Staff in order to attract 'appropriately experienced and qualified staff'. This was a forward-thinking approach at that time but today it is somewhat ironic given that there is every reason to believe that the costs of the winning contractor were significantly lower than those projected by the Fife-based organisations.

Fife Mental Health Survivors Group (TODAY Group) was set up in response to a report in 1993 entitled 'Raising The Roof' which in summary stated that there was a need for Service Users to have their own voice (in addition to professional Advocacy support). Out of this came the TODAY group which supports the notion of Collective Advocacy and campaigns for a voice for service users and better services for those who experience and have experienced Mental Illness. The Fife Regional Council Social Work Service at that time was also instrumental in setting this group up.

Both of these groups may well have emerged without the active intervention of Social Work. However there is no doubt that, at that time, the Social Work Service actively worked with the Voluntary Sector in Fife in establishing these two groups to meet a gap in service provision. Local needs being met by local people - staff and volunteers - and Social Work working together. Over the intervening period of some 16 years many local people, in fact hundreds, have been supported by these organisations and many other people as volunteers have given of their time freely to support, who for them, were neighbours, people who shopped in the same shops, people who lived in the same community. Additional funding has been raised in the same communities by local people for local people. All of this is now in danger of being lost.

There was an ethos and set of values that local people bought into way back in 1992/3 and are still buying into. This could now be under threat.

## Process

We are not convinced that the contract for Advocacy Services needed to go out to open tender. Contracts for the provision of services are split into two categories: Part A services, to which the full requirements of the 2006 Regulations apply; and Part B services, to which fewer requirements apply. Contracts for health and social services are classified as Part B services.

For Part B services it is the responsibility of individual contracting authorities to decide whether EC Treaty principles require advertising and competition and, if so, the form of publicity and competition required. This decision should be based on the individual circumstances of the case.

Notwithstanding whether the Advocacy Services contract needed to go to open tender, the process and some actual practices leading to the awarding of the contract have been bewildering.

Fife Advocacy and the TODAY Group have been providing advocacy services for 16/17 years. Each time they have been monitored/evaluated by Fife Council they have received positive reports and feedback.

The review of Advocacy Services, which it has been said, initiated the need to go to open tender, was glowing in its praise of both organisations.

## Timeline

- ▶ July-November 2007: Independent Review of Advocacy Services underway - report published November 2007. This review has never gone anywhere - to a Council Committee; to NHS Board; to the Joint Health and Social Care Partnership.
- ▶ November 2007: Fife Advocacy and the TODAY Group receive application forms from Fife Council for 3 year funding from April 2008.
- ▶ March 2008: both organisations advised one year funding awarded pending outcome of aforementioned Review.
- ▶ September 2008: Announcement at Mental Health SIG (Strategy Implementation Group - a partnership group), without any consultation or advance notice, that Advocacy Services were going out to open tender. This announcement made 10 months after publication of review report - organisations had repeatedly asked for progress updates (Representatives from both Fife Advocacy and the TODAY Group were present at SIG meeting).
- ▶ October-November 2008: Papers recommending the tendering of Advocacy Services go through Committee Process (Note: after the announcement to go to open tender had been made) with the decision signed off at the November meeting of Health and Social Care Partnership.
- ▶ Late November 2008: both organisations receive formal letters advising them of intention to tender, the timetable and how to access documents. Closing date for receipt of tender 22nd December 2008.
- ▶ December 2008: Various problems re tender documents - where/how to get them; missing pages. Closing date changed to 5th January then finally to 9th January 2009.
- ▶ December 2008: Applicants asked to make themselves available for interview week beginning 16th February 2009.
- ▶ January 2009: Applicants called for interview/clarification middle of February\*.
- ▶ March 2009: Contract awarded to Circles Advocacy

\*(Fife Advocacy advised this meeting was to 'clarify a few points' - when they arrived they were invited to make a presentation on their tender bid)

## Impact

### On Continuation of Service

There appears to have been little thought given as to how the service to clients would continue when the previous arrangements ceased on 31st March 2009. The Fife-based advocacy organisations were under the impression that the new contract was to start on 1st April and tendered on that basis. However, the organisation which has won the contract will not be starting until June 2009. What happens between April and June? Fife Advocacy and the TODAY Group have indicated they would try and maintain services but given the uncertainty key staff are leaving/have left and it is almost inevitable that vulnerable clients will not be given the required service in the intervening period. Was this ever thought through/discussed?

There are also issues around client relationship and data-protection. Many of those who have used the services of Fife Advocacy and the TODAY Group have established a trusting relationship with advocates and others involved in the organisation. Was any thought given to how this break might impact on the health of clients? And what about client records - they are protected and confidential between the current clients/advocacy organisations. It is difficult to see how they can be simply passed on to a new provider.

These are practical issues which ultimately impact on the client group and Fife Advocacy and the TODAY Group have received no guidance from Fife Council on these issues.

### On Staff and Volunteers

Up to 10 jobs are now 'at risk'. These are no ordinary jobs. The nature of the work requires pretty special people with finely tuned people skills but at the same time with an ability to advocate on behalf of and in support of clients who are very vulnerable and themselves are at risk in the complex world we now live in. A huge amount of training was invested in the staff of the organisations.

Upwards of 40 Volunteers were involved in the Fife-based advocacy organisations. The volunteers chose to volunteer in this particular area of activity with Fife Advocacy or the TODAY Group. These organisations

have invested a huge amount of time and energy into supporting and developing their volunteers and in turn the volunteers have made a significant and substantial contribution to the needs of the clients and the sustainability of the organisations. There was a bond between the organisations, the client group and the volunteers. This local route into volunteering is now going and whilst some of the volunteers might move on to other organisations we should not underestimate the bond that local voluntary organisations have with local communities and undoubtedly, because of the loss of the local connection, some of those 40 volunteers will be lost to volunteering and community activism.

### On Sister Organisations - Mental Health

Voluntary Organisations operating in the area of mental health work very closely with other organisations working in the same field. Indeed the founding membership of Fife Advocacy came from Alzheimer's; SAMH and ROF. Those who are mentally ill and their carers require a range of support services depending on circumstances at any given time. The loss of one link in the chain doesn't only impact on those requiring the service - it also impacts, in a negative way, on the Voluntary Organisations that have been working in partnership with Fife Advocacy and the TODAY Group to provide the full range of services required. Some of the Sister organisations are now concerned about their futures.

### On the Voluntary Sector in Fife

There is a shared ethos and common values amongst those who work in and are involved in the Voluntary Sector. This is true in Fife as it is in the rest of Scotland. The notion of fairness figures highly within that set of values. There is a concern about the fairness of the decision not to award the Advocacy contract to the existing providers given the fact that both organisations had received good reviews and positive monitoring and evaluation reports. This converts in to very real worries for many Voluntary Organisations in Fife who are thinking that the ability to complete a tender document and make a presentation, on the surface, appears to hold as much if not more weight than the ability to deliver the required service.

## Summary: Wider issues and future relationship

Prior to the Fife Council elections in 2007 a tension had developed between some Voluntary Organisations in Fife and the Council Administration and Social Work Service. Following the 2007 elections the Scottish Government demonstrated its confidence in the Voluntary Sector both rhetorically and by allocating significant new resources. The incoming Administration at Fife Council worked hard to re-establish positive links and relationships with Fife's Voluntary Sector. Three year funding, approved by the previous Administration was implemented by the in-coming Administration. An inflationary uplift to the funding provided to Voluntary Organisations - the first for many years - was agreed and implemented. Some key members of the Administration made that extra effort to develop good working relationships with Fife's Voluntary Sector. A better relationship was underway.

There is little doubt that the process leading to and the resultant outcome of the Advocacy Services tender has been a jolt to those Voluntary Organisations which have worked closely with the Fife-based advocacy groups over a number of years. As the tendering process relating to Advocacy Services came to a

conclusion it has unfortunately coincided with a number of other live issues relating to the Voluntary Sector in Fife, e.g. the potential of Fife having no Community Transport Provision and the impact of that on Voluntary Sector Day Care Provision; the finalisation of the Home-start review; Day Care Services Review; the move towards putting services relating to Homelessness out to tender. Taking all of those issues together and alongside the current financial climate it is perhaps understandable why there is a degree of anxiety amongst a growing number of Voluntary Organisations.

Given this context and climate it is more important than ever that the relationship between Fife's Voluntary Sector and its public sector partners remains strong, trusting and positive and that we work together as partners. On each of the issues raised within this briefing note CVS Fife raised concerns which, had they been responded to at the time, would have avoided much of the angst that has been played out in the public domain over the past few weeks. As always we are happy to discuss the contents of this briefing with our partners in the public sector.

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