



City of Westminster

Cabinet Member Report

Decision Maker:	Councillor Aicha Less, Deputy Leader and Cabinet Member for Communities and Public Protection
Date:	July 2023
Classification:	Part Exempt Appendices A and B are exempt from disclosure on the grounds that they contain information in respect of which a claim to legal professional privilege could be maintained in legal proceedings under paragraph 5 (as amended) of Schedule 12A of the Local Government Act 1972 and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
Title:	Westminster Advice Partnership – Direct Award
Wards Affected:	All
Fairer Westminster/Policy Context:	This decision delivers on Fairer Communities by ensuring a continued and high-quality advice offer in Westminster
Cabinet Member:	Cllr Aicha Less, Deputy Leader and Cabinet Member for Communities and Public Protection
Key Decision:	Yes
Financial Summary:	The total contract award is £2,568,000 for a 24-month period.

Report of:

Pedro Wrobel, Executive Director of
Innovation and Change

1. Executive Summary

In 2018, an open tender was conducted, and a contract awarded to Westminster Citizen Advice Bureau (CAB) for the provision of Westminster Advice Services. The contract term was for 3 + 1 +1 from 16th September 2018 until 15th September 2023.

This report sets out the rationale for continuing this contract by directly awarding a new contract to Westminster CAB for the Westminster Advice service without competition. There will be no material changes to the existing contract services or to the terms and conditions of contract. The contract has highly performed against all KPIs for the last five years, delivering value for money for the council and communities – for every £1 spent, residents were able to claim £4 of money due to them.

The contract is planned to commence on the 16th September 2023 for a period of up to 24 months. The contract value will be £2,568,000 over the 24-month period. This equates to the same value as the old contract, plus an agreed 7% inflationary uplift funded from existing sources of funding within the council – so this has been budgeted for.

2. Recommendations

That the Cabinet Member for Communities and Public Protection approves:

- (i) the award of a contract, by means of a direct award without competition, for the delivery of Westminster Advice Service to Westminster Citizens Advice Bureau (company number 03039752) for a period of two years from 16th September 2023 to 15th September 2025 at a total contract sum of £2,568,000.
- (ii) a waiver of the Westminster Procurement Code from the requirement to undertake a competitive procurement process and instead directly award the contract to Westminster Citizen Advice Bureau (company number 03039752).

3. Reasons for Decision

While undertaking a review of the current Advice Services contract to inform the recommissioning and re-procurement of this service, numerous gaps in legal services support were highlighted as was significant need from residents in the borough to access better advice services. It is therefore necessary to further review the legal services available in the borough with all existing contracts providing legal aid being appropriately reviewed so as to either be included in the next specification of this service or to provide a rationale for being out of scope.

The Fairness and Equality Review Group, formed as part of the Future of Westminster Commission made a number of recommendations on advice services which will be reflected in the new model and re-procurement of these services.

The cost-of-living crisis has had a significant impact on the current advice contract to date. There has been rapidly changing demand for provision, with additional investment made to this contract from the Cost-of-Living budget during 2022. With the continuing uncertain economic climate and unclear support from central government, it is difficult to assess the rate and duration of changes to demand, and whether additional funding support may be needed for this service. In addition, the specification now could well be different in two years' time, as the economy changes and there is the potential for central government change as well.

A number of same language advice services have recently been commissioned through a Cost-of-Living grants programme. There is merit in letting these services develop and to ascertain whether they sit more meaningfully in this main advice services contract or separately with specific VCS organisations.

All of these external factors, coupled with the fact the current contract is performing well, adds to the rationale to not re-procure these services until 2024.

4. Background, including Policy Context

In preparation for the re-procurement at the end of the contract, a complete review of advice services was undertaken. This included analysis of the contract data, a sector wide review of advice services operating in Westminster through two Westminster Advice service forum meetings and a survey.

Advice service specifications from and procurement approaches taken by other councils were considered. The current specification has been reviewed, and there is a recommendation to revise the KPIs to reflect outcomes more accurately.

Interviews with 12 advice organisations were undertaken to ascertain need, any gaps in provision, and the type of advice service.

Due to the escalating demand for advice services caused by the Cost-of-Living crisis, over the last 12 months the council have increased the current contract through an additional grant and funded 9 additional advice services which cater for specific groups, including more legal or complex advice support and more same language advice support. This is driven by the emergency, and by the Fairer Westminster Strategy.

One of the key gaps identified has been the challenge of recruiting staff for complex advice work. Therefore, a number of the two-year cost of living funded grants include provision for apprentices, trainees and volunteers, recruited from

Westminster residents, who speak community languages. This will contribute to the building of the capacity of the sector for when we next procure.

Westminster CAB, Age UK, Asylum Aid and DeafPlus the current partners, are all willing to continue the service for the next 24 months.

Awarding this contract from a national framework is not possible as the service needs to have in-borough premises and established networks and connections within the borough. Westminster CAB deliver the advice services contract in partnership with Age UK, Asylum Aid and Deaf Plus, although they are the lead provider in this partnership. In addition, Westminster CAB lead the Westminster Advice Partnership, which brings together all advice services offered to residents in the borough. Therefore, awarding this contract from a framework does not meet the requirements of the service.

At the point of tendering in 2018, 7 organisations expressed an interest in the opportunity, but Westminster CAB were the only organisation who bid.

5. Financial Implications

The total award is to the value £2,568,000 for a 24-month period.

Further detail is included in Appendix A which is exempt from disclosure on the grounds that it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings under paragraph 5 (as amended) of Schedule 12A of the Local Government Act 1972.

6. Legal Implications

WCC's Procurement Codes requires that the award of a contract valued at £1.5m or more should be endorsed by CGRB and approved by the Appropriate Cabinet Member following recommendation from the appropriate Executive Leadership Team member.

As a direct award of contract is being proposed, a waiver of WCC's Procurement Code is required. The waiver must be endorsed and recorded by the Procurement and Commercial Services Team. As the value of the contract is £1.5m or more approval for the waiver should be given by the Cabinet Member following a recommendation to approve from the appropriate Executive Leadership Team Member, the Director of Commercial Partnerships and CGRB

Further legal implications are included in Appendix A which is exempt from disclosure for the same reasons set out in section 6.

7. Consultation

The following consultation has taken place to inform the need:

- Two Westminster Advice service forum meetings and a survey
- Interviews with 12 advice organisations
- Meetings with the relevant Cabinet Members and senior officers

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:

cmead@westminster.gov.uk

APPENDICES (EXEMPT)

Part Exempt, Appendices A and B are exempt from disclosure by virtue of the Local Government Act 1972 Schedule 12A.

Appendix A – Exempt Sections

Appendix B – GATE 3 Report (confidential)

If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Director of Law, City Treasurer and, if there are resources implications, the Director of People Services (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.

Other Implications

- 1. Resources Implications**
- 2. Business Plan Implications**
- 3. Risk Management Implications**
- 4. Health and Wellbeing Impact Assessment including Health and Safety Implications**
- 5. Crime and Disorder Implications**
- 6. Impact on the Environment**
- 7. Equalities Implications – See section 13**
- 8. Staffing Implications – See section 13**
- 9. Human Rights Implications**
- 10. Energy Measure Implications**
- 11. Communications Implications**
- 12. Counter Terrorism and Security Implications – See section 13**

Note to report authors: If there are particularly significant implications in any of the above categories these should be

