

## Appendix 8: Suggested tender requirements

Provided below is the key information that commissioners may seek if tendering the IMCA service. Where commissioners are considering, or are required to re-tender, IMCA services attention needs to be given to the Transfer of Undertakings (Protection of Employment) Regulations 2006.

Changing IMCA provider may meet the 'service provision change' requirements of the regulations. For example, an advocate who is wholly employed as an IMCA to work in a single local authority (whether they are full-time or part-time) would be covered by the legislation. The position is less clear for advocates who undertake other work for their employer in addition to an IMCA role, or provide IMCA services across more than one local authority. (In *Hunt v Storm Communications Ltd* it was found that the provisions applied for an employee who spent 70 per cent of their time on the activity which was re-contracted.)

Commissioners will be familiar with the following:

- The TUPE regulations require the existing service provider to provide information to the new provider in advance of a transfer.
- Where TUPE applies, it is common practice for the transferor employer to indemnify the new employer against any pre-transfer breaches of contract or employment law.

### General requirements

The provider organisation should:

- Provide information on its size, organisational structure and experience; its constitution.
- Demonstrate experience of providing advocacy, advice or information services.
- State its experience with the different client groups who may be eligible for an IMCA.
- Either demonstrate its experience of providing an IMCA service or explain how it will develop this skill.
- Show experience of working in partnership with statutory agencies.
- Illustrate experience of providing a service which demonstrates an active commitment to equal opportunities.

- Show experience of working with users from ethnic minorities, those who do not have English as their first language, those who need specialist communication tools and those who communicate through informal methods.
- Confirm that it employs staff in a manner that ensures they are fit for purpose; this would include the provision of enhanced CRB checks and ensuring IMCAs are registered with the Independent Safeguarding Authority.
- Agree to accept and work within locally agreed multi-agency safeguarding adults policy and procedures, as per *No Secrets (2000)*<sup>1</sup>, Section 7 guidance and agree that its staff will be bound by these policies.
- Provide an annual report together with financial accounts for the last financial year, as well as details of its public and employers' liability insurance.
- Provide a copy of its confidentiality policy, or show a willingness to develop one.
- Provide details of the organisation's quality systems including any relevant external quality marks which are being worked toward or have been achieved.

## Method of working

Provider organisations should also:

- Specify the number of advocates they proposes to employ as IMCAs (within the stated budget); and whether these are part-time or full-time. [Information about any Transfer of Undertakings (Protection of Employment) Regulations (TUPE) requirements should be included here by the commissioner.]
- Identify how they will efficiently manage enquiries about potential instructions.
- Identify how they will respond efficiently to a varying case load and manage both planned and unplanned absences of staff.
- Provide information on methods of working; to include information on how case work will be recorded and how often IMCAs will receive supervision and other forms of practice support.

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<sup>1</sup> No secrets: guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse, Department of Health and Home Office, 2000.

## Funding

The indicative annual budget for the IMCA service is [£]. This includes [£] to be set aside for any disputed case costs. Organisations will be asked to outline their costs to provide this service, within the total proposed budget, and to give a breakdown of how this is arrived at.

Headings should include:

1. *Direct costs of providing IMCAs to respond to instructions.* This to include case work, travel time and time spent in supervision. The total hours of IMCAs' time available annually for case work should be identified.
2. *Administration and overheads.* To include office costs, phone, IT and travel.
3. *Management, training and supervision (the supervisor's time).*
4. *IMCA information service.* The staffing costs of responding to enquiries about accessing the IMCA service.
5. Other activities to support the implementation of the MCA. This could include staffing costs of any awareness-raising and training on the IMCA role, and participation in the local implementation network.