



Derry City & Strabane  
District Council

Comhairle Chathair  
Dhoire & Cheantar  
an tSratha Báin

Derry Citty & Strabane  
Destrack Cooncil

**Derry City and Strabane District Council  
Advice Services Support Programme 2016-19  
Generalist Voluntary Advice Provision**

**Resource Centre Derry  
Commissioning Agreement  
and  
Terms and Conditions**

**Introduction**

This Commissioning Agreement sets out the basis for Derry City and Strabane District Council providing funding to an advice provider through Council's Advice Services Support Programme during the 2016-19 period. Once signed by both parties, the document provides a legal basis for advice service provision and funding and for monitoring and assessing performance. The following sections set out the basis under which Council funds advice and the specific conditions relating to advice provision for the period 1 July 2016 - 31 March 2019.

**The Agreement**

This agreement is made between Derry City and Strabane District Council and Resource Centre Derry

**Purpose of the Agreement**

The purpose of this agreement is to ensure that there is a clear understanding by all parties involved of the conditions and nature of this contract for services.

The Commissioning Agreement should also be read in conjunction with the Derry City and Strabane District Council Advice Standards and Guidelines document.

Council reserves the right to amend this agreement at any time to ensure best use of public funds and full transparency, probity and accountability for use of funding.

**The Commissioning Agreement should not be confused with Council's grant funding to the community/voluntary sector. This is a competitive commercial agreement. Any canvassing or attempts to solicit support from Elected Members or Council Officers will preclude an organisation from this competition. Entering into the Commissioning Agreement constitutes a legally binding contract to deliver an agreed quantity and quality of services. Any deviation from any of the conditions set out within the Commissioning Agreement or Advice Terms and Conditions will constitute a breach of contract. In such circumstances Council reserves the right to immediately withdraw funding.**

## **Advice Services Support Programme**

Derry City and Strabane District Councils have been involved in the ongoing strategic review and development of the Advice Services Programme since 2001. This work has sought to ensure that the highest quality and most accessible advice provision is available to those who most need it and delivers value from money for Council expenditure. During 2015, following the merger of the former Derry City and Strabane District Councils, the advice funding programmes have been brought together into a new programme which will support generalist voluntary advice within the Council area over the three year period from 2016 to 2019.

Council will continue to update its requirements and processes to ensure the highest quality and effective use of public funds. Council recognises that it must seek to maximise cost effectiveness, quality and accessibility of advice services and that achieving this will require a sustainable and stable advice infrastructure. Council believes that everyone, but in particular those who are most disadvantaged, need access to good quality information and advice to ensure that they are aware of their rights and entitlements. Furthermore, Council recognises the role the advice sector plays in the local economy in maximising income within the Council area and the consequent impact on local businesses and communities. The purpose of offering a three year Commissioning Agreement is to offer stability to providers while ensuring continuity of advice provision.

Derry City and Strabane District Council only commissions advice under the Advice Service Support Programme from organisations which:

- ◆ Provide generalist voluntary advice which is accessible to anyone living in the Council area.
- ◆ Organisations which meet the required quality standards and are members of Citizens Advice NI or Advice N.I.
- ◆ Organisations which do not promote religious or political interests.
- ◆ Non-profit making organisations.
- ◆ Organisations based within the Council area and which primarily benefit people living within the area.

- ◆ Organisations which completely use the funding for the purpose of delivering advice services.
- ◆ Advice organisations which can fully commit to the aims, principles and conditions applicable to Derry City and Strabane District Council advice provision
- ◆ Council will not pay for advice given to people living outside the Derry City and Strabane District Council area. (This does not preclude providers giving advice to others but this will fall outside Council's agreement).
- ◆ Are committed to:
  - ◆ Work with Council to explore and develop use of technology and modern methods of advice delivery.
  - ◆ Working with other providers in the Council area, and with specialist regional organisations, to maintain good referral mechanisms which ensure clients have access to the most appropriate advice relative to their specific needs.

### Advice Services Support Programme – Aims

The objectives of the Advice Services Support Programme for the period up to March 2018 are:

- ◆ **Objective 1** - To have the highest quality voluntary generalist advice provision in any council area in Northern Ireland; demonstrated through in depth quality assessments and a recognised quality accreditation mechanism.
- ◆ **Objective 2** - To reduce the cost per enquiry by 10% over a three year period through effective utilisation of technology and improved use of resources.
- ◆ **Objective 3** - Have an advice service which can meet all priority needs within a three day period.
- ◆ **Objective 4** - Have an advice service which can meet all advice needs within one week.
- ◆ **Objective 5** - Have a cutting edge advice service which makes increasing use of technology to improve availability, quality and cost of provision and effectiveness of advice.
- ◆ **Objective 6** - An advice service which has in place the best referral mechanisms to ensure that clients are given advice in the most appropriate location and by the person best qualified to do so.

### Principles

Derry City and Strabane District Council's quality standards for advice include a set of principles that all voluntary advice providers must be able to address if they are to receive funding. These are in accordance with the principles used by the NI Advice Services Consortium. They are set out in more detail in Derry City and Strabane District Council's Advice Service Standards/Guidelines however, they are summarised overleaf:

- ◆ **Independence** - voluntary advice agencies should be independent of political/statutory bodies and political parties. Premises should not display any symbolism which would undermine independence and all staff members should show no alignment with any political or religious grouping during the course of any work relating to advice.
- ◆ **Impartiality** - advice should be provided without prejudice and free from commercial, political or other limiting considerations.
- ◆ **Accessibility** - all advice premises should be fully disabled accessible. They should be in a suitable location and clearly identified. In general, they should be open during normal working hours, and for at least 20 hours per week, at hours which suit local demand. No premises should be used for advice work unless they are approved by Council, using the form in Appendix 3.
- ◆ **Free** - All advice should be provided at no cost to clients.
- ◆ **Confidentiality** - advice must be provided in privacy by a trained adviser (who must be registered with Council). No details should be passed to any other party without the client's consent.
- ◆ **Effectiveness** - advice providers should have appropriate management structures, committees and appropriately trained staff and should meet good governance standards. All relevant policies should be up to date and in operation and there should be a standard agreed method of case recording using the CARMA system.
- ◆ **Accountability** - advice providers will be accountable to Council for funding and to the communities served and their clients. Appropriate mechanisms for feedback on performance should be available.

### Life of the Agreement

This Commissioning Agreement will run from 1 April 2017 to 30 June 2017. It will be reviewed at regular intervals. As a minimum, it will be subject to annual adjustment to reflect providers' performance and overall demand for services. Its continuation will depend on conditions being met in full. These are set out in following sections.

### Equality

No aspect of the advice organisation's activity should be party political in intention, use or presentation or likely to be perceived as discriminatory, or failing to afford equality of opportunity to the categories of persons identified in Section 75 of the Northern Ireland Act 1998, namely, between persons of different religious belief; political opinion; racial or ethnic origin; age; marital status; sexual orientation; men and women generally; persons with disability and those without and between persons with dependants and those without or which may amount to a breach of the European Convention on Human Rights. Providers are also required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

## Sustainability and Development

In deciding to offer multi-year Commissioning Agreements, Council recognises the importance of sustainability both in terms of continuity of staff and maintenance of equipment, premises and systems. Council requires advice organisations to name a full-time employee who will be primarily responsible for sustainability and development of the organisation. If for any reason this person ceases to be responsible for this, Council requires you to inform them immediately.

## Commissioning Agreement Conditions

Council agrees to provide **£44,098.39** to your organisation for the period 1 July 2017 to 31 March 2018 for Generalist Voluntary Advice Provision. This must be delivered in line with the attached Schedule of Advice Provision and subject to the conditions set out in this agreement.

Council's funding for advice provision will be paid on a quarterly basis in each financial year. The amount funded will be calculated using advice providers previous year's quarterly client contacts.

On a quarterly basis Council will review each funded advice providers advice statistics as recorded on CARMA. Should the number of properly recorded and completed client contact details in one quarter if it falls by more than 10% below 3/12 (1/4 in subsequent full years) of the annual year's target, Council will reduce funding on a pro rata basis.

Should the client contact details in one quarter increase, no additional funding will be allocated.

The details of payment for advice provision during 2018/19 and in subsequent years will be dependent on your organisation's performance during the calendar year of 2017, relative to all advice providers funded by Council during this period, the quality standard achieved, the number of providers and available funding. Council will only pay for advice given to clients who have a Derry City and Strabane District Council postcode recorded on the CARMA system.

Continued Council commissions will be subject to your organisation continuing to fulfil the conditions set out below. The actual payment provided for 2018/19 and thereafter will be dependent on the rate struck and Council's decision on overall funding levels.

Council will carry out a three monthly check of advice statistics and a more comprehensive review on an annual basis. Consideration of quality standards and an audit of statistics will be ongoing throughout the year. Should these show substantial deviation from the information provided by your organisation at application stage, or if there is any significant concern about the quality of provision or records maintained by your organisation, Council may choose to withhold payment until a more comprehensive review is carried out. Should you have any reason to anticipate that material changes could affect your performance in any of

the key areas, you are advised to contact Council at the earliest possible opportunity to discuss this issue and to agree a course of action to address this.

### Quality Standards

All providers are expected to meet the standards set out in Derry City and Strabane District Council Advice Service Standards and Guidelines and to strive to achieve 'Gold' in Council's Quality Standard. Prior approval must be obtained for any changes which could fundamentally affect the quality of provision. Failure to meet these standards may result in withdrawal of funding. Advice providers will, as a condition of funding, be expected to work positively with Council's quality consultant to facilitate quality audits and quality improvement. This process will seek to ensure consistent quality of advice work across the Council area. Providers that fail to meet the required standard will be given a period of grace to address any shortcomings.

In the 2017/18 financial year, Council will not fund any provider who fails to meet the 'Bronze' standard as a minimum. Council wishes all providers to achieve and maintain a 'Gold' quality standard. In subsequent financial years, Council may choose to introduce an alternative quality standards and minimum thresholds.

In the 2017/18 year, providers which score 'Bronze' or 'Silver' quality standard will have their funding per contact reduced on a pro rata basis (-20% and -10% respectively in the 2017/18 year).

### Specific Contract Conditions

- ◆ Any material changes to how your organisation delivers advice should be informed to Council at the earliest possible opportunity. **Failure to do so may result in payment being temporarily or permanently withdrawn.** Such factors include:
  - Reduction in the number of locations in which advice is provided
  - Reduction of opening hours in any of the advice locations
  - Changes in advice personnel (whether paid or voluntary)
  - Changes in planned advice locations
  - Major changes in uptake of advice services
  - Any staffing difficulties that may result in a change in the quality or volume of service
  - Any other administrative changes or difficulties with records that impacts on your ability to fulfil Council's requirements
  - Any financial or other circumstances which threatens the viability of your organisation or advice provision
- ◆ Changes in the number of contacts dealt with on a three monthly basis from that under which the organisation was funded could affect your commission. A tolerance of minus 10% is acceptable; however greater reductions than this would

result in a review of the level of payment. Should your organisation experience a greater drop than this, Council must be contacted at the earliest possible opportunity to consider an appropriate course of action.

- ◆ A drop of more than 20% of contacts from any of the postcode boundaries recorded in CARMA during 2016 should be notified to Council. Depending on the overall impact on client numbers, Council may choose to take appropriate action.
- ◆ Council will have an agreed level of access to your I.T. based recording systems to ensure that it can carry out its own audit and obtain the relevant statistics on a regular basis. This will not include access to personal details about clients which might lead to their identity being apparent.
- ◆ All advice work recorded on the CARMA database must be delivered by a Derry City and Strabane District Council registered advisor. Advice work must only be recorded against the advisor who delivered the advice.

Specifically, Council should be informed if any of the following changes:

- Premises in which advice is delivered (any changes should be notified and approved on the form in Appendix 3)
- Advice staff or volunteers' experience or skills, or employment status or hours (any new advisor, paid or voluntary must be notified and approved on the form in Appendix 2). Only approved advisors may give advice. Advice work carried out by any person not registered with Derry City and Strabane District Council must not be entered on the CARMA database.
- ◆ On a quarterly basis Council will access a series of statistics from each provider. This will be obtained directly from the CARMA I.T. system. Providers must ensure that records are up to date as no allowance will be made for under-recorded, delayed entries or inaccurate information and Council may withdraw payment if these records suggest a failure to meet the conditions of the Commissioning Agreement.
- ◆ Council officers should have access to premises and records at any time for spot checks or audit purposes. This will require full access to all records, including, but not limited to, financial information, evidence of qualifications/ training, staff employment records, volunteer records and governance information, but will exclude client identity information. In addition, Council appointed representatives will have access to client records on a wholly confidential basis to allow these to be independently verified. Only anonymised information will be provided to Council. Providers must ensure that all advice clients are made aware of the use of data in this way in line with data protection legislation and best practice. No data will be retained after it is verified.

Council will only provide payment for work with clients whose identity can be verified. Verification will include the use of postcodes and no payment will be provided for clients who have partial or absent postcodes. While it is recognised that a small proportion of clients may not have telephones, it is expected that the majority will. To allow for this, during the 2017/18 year, Council expects providers to record phone numbers for a minimum of 90% of clients. Should the advice audit process reveal that fewer than 90% of clients, contacts or issues have phone numbers recorded

against them, Council may withhold payment or terminate the contract. Council may increase this minimum proportion in subsequent years. All clients must be made aware of Council's requirement for telephone numbers. Clients should be made aware of the advice audit process and should be asked whether they are prepared to be contacted as part of a review process. This review will be carried out independently of Council and by someone who is not involved in the advice sector. Client records should indicate whether the client is prepared to be contacted. At advice audit stage the proportion of clients agreeing to be contacted will be reviewed across the advice providers. If any organisation demonstrates a significantly lower proportion of auditable clients, or the sampling shows significant inaccuracies in recorded information, this may be seen as a breach of contract and Council may choose to permanently withdraw their funding.

- ◆ For the 2017/18 year and thereafter, Council may apply an additional formula based on the proportion of clients' phone numbers recorded. At its discretion, payments may be reduced on a pro rata basis to reflect inadequate client phone number recording levels.
- ◆ Client, contact and issue records must be complete and incorporate all details including clients' name, postcodes, address, advisor, time spent and advice details.
- ◆ Only significant advice sessions should be recorded. This must not include short telephone or face to face conversations with someone who is primarily employed by the advice provider in a reception or telephone answering role for the purposes of organising an advice appointment, even if the advice issue is discussed. Council is fully supportive of 'triage' approaches, however triage should not be recorded as an advice giving session.
- ◆ All I.T. based records must be fully completed, ideally on a daily basis. Should records not be complete within four days of the end of each month, funding may be withheld. In exceptional circumstances, and only by prior written approval, Council may agree to a temporary, short term extension of this condition.
- ◆ Providers must meet Council's requirements in terms of financial information, specifically that up to date accounts for the most recent financial year, certified by an accountant, plus an up to date original bank statement, should be provided before funding is released for each year.
- ◆ Providers must be able to demonstrate that they use secure storage for electronic and paper records which contain any clients' details.
- ◆ Providers must sign a simple Memorandum of Understanding with all outreach locations used for advice clearly setting out the anticipated times and days of advice provision and the responsibilities of both parties.

## Governance Standards

Derry City and Strabane District Council requires all advice providing organisations to meet good practice in governance. Council wishes all funded advice organisation to move towards the standards in the Northern Ireland Good Governance Code



promoted by Department for Communities (DfC) and Northern Ireland Council for Voluntary Action (NICVA). These standards are widely available and include:

- Clear strategic direction and leadership
  - Monitoring activity to ensure it fulfils the organisation's stated principles, objects and values
  - Meeting all legal and moral obligations
  - Respecting and promoting equality and diversity
  - Managing risk
  - Good management of staff and volunteers
  - An effective and appropriately skilled board/committee whose performance is regularly reviewed and is accountable
  - Clear lines and accountability for delegation and monitoring of performance
  - Board openness, including regular communication with members/ stakeholders should be open and auditable records
  - Board/Committee integrity, including no personal benefit, dealing with conflict of interest and probity
- 
- Holds board or committee meetings at least 4 times per year
  - Agree that all current and future members of the Management Committee receive a copy of the Commissioning Agreement and Terms and Conditions and Advice Standards and Guidelines while the Commissioning Agreement remains in force.

By implication, Council will not fund any organisation which has employees (or volunteers who are employed to give advice) on its Management Board or Committee. In subsequent years Council may choose to implement a more detailed checklist for governance standards.

Council will nominate Elected Members to serve as observers on advice providers' boards/committees. **This role will have no input to decision making or governance of the organisation and is purely to provide a mechanism for closer cooperation between Council and providers and a means to provide feedback on issues of concern.** Observers should be provided with all information given to Board members and given appropriate notice of all Board meetings.

## Annual Review

Derry City and Strabane District Council's decisions in relation to the agreement provided to your organisation is based on the information supplied in your original Commissioning Bid, summarised in Appendix 1 and including statistical information obtained from the CARMA database.

In addition to a three monthly check of statistical information and ongoing monitoring and audit in relation to quality and quantity of provision, Council's Advice Services Support Panel will review commissioning arrangements on an annual basis. The Council reserves the right to change or terminate the Commissioning Agreement, or withhold payment, if your organisation fails to comply with any of the conditions in the agreement, or if there are material changes which fall outside the terms of the agreement. The annual review will also consider the overall level of advice provision in the Council area, and the pattern of demand for this and may choose to restructure funding for ongoing years if this has changed fundamentally.

### Status

Nothing in this agreement shall render Derry City and Strabane District Council liable in any way for any advice workers or employees or any other category of person used or retained by your organisation.

The responsibility for the employment, payment, and terms and conditions of employment, of any person by your organisation, shall be the sole responsibility of your organisation.

### Indemnity

The organisation shall maintain in force throughout the currency of this agreement, policies of insurance in respect of Premises Insurance, Employer's Liability, Public Liability and Professional Indemnity Liability and shall produce such policies to Derry City and Strabane District Council on demand.

### Assignment

The organisation shall not assign the benefit of this Commission Agreement to any other party.

### Notices

Any notice required to be served under this agreement shall be deemed to be duly served by the use of first class post.

### Key Worker Details

The following person will be Council's direct point of contact in relation to delivery of the Commissioning Agreement and is authorised to act on behalf of the organisation on all matters relating to the day to day management of advice provision.

Name:	Jude Mc Kinney
Position:	Welfare Rights Manager.
Contact Number(s):	028 71226550
Email Address:	jude@resourcecentre.derry.com

## Declaration

Two signatures of office bearers are required to validate this Commissioning Agreement.

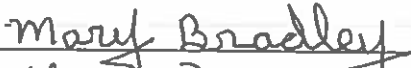
Section one must be signed by the current Chairperson.

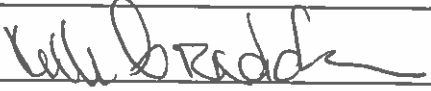
Section two must be signed by either the current Secretary or the current Treasurer.

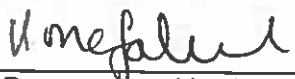
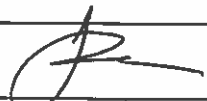
Those who sign must be legally permitted to sign on behalf of their organisation and must not be employees or volunteers of the organisation or be involved in advice giving or other principal duties or tasks performed.

On behalf of our organisation we declare that the information supplied is accurate and complete. We understand that failure to comply with the terms of this agreement and/or any other standards put in place by Council from time to time in relation to advice provision will result in its termination.

We confirm and agree that all current and future members of our governing board or committee have received/will receive a copy of these terms and conditions while the Commission Agreement remains in force.

<b>Signature of current Chairperson:</b>				
<b>Please print name:</b>	MARY BRADLEY			
<b>Date:</b>	Day	Month	Year	
	19	07	2017	

<b>Signature of current Secretary<sup>1</sup> or Treasurer:</b>				
<b>Please print name:</b>	KEITH CASSIDY			
<b>Office Held:</b>	TREASURER			
<b>Date:</b>	Day	Month	Year	
	19	07	2017	

<b>SIGNED on behalf of the Derry City and Strabane District Council:</b>				
<b>Director of Health &amp; Community</b>				
<b>Date:</b>	Day	Month	Year	
	28	07	2017	
<b>Chief Executive:</b>				
<b>Date:</b>	Day	Month	Year	
	31	07	2017	

<sup>1</sup> The Secretary or Treasurer must be a member of the Board or Management Committee