

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

**REGENERATION AND SUSTAINABLE DEVELOPMENT
CABINET BOARD 17th September 2021**

**Report of the Head of Education Development - Mr
Christopher Millis**

Matter for information

Wards Affected:

All wards.

**Extension of the current service provided by the Police
and Crime Commissioner's Office for the Rapid Access
Prescribing Service - Western Bay Area Planning Board**

Purpose of the Report

1. For information regarding the extension of the existing grant agreement in respect the Rapid Access Prescribing Service in the Western Bay region.
2. To advise that the Head Of Education Development has entered into another grant agreement with South Wales Police and Crime Commissioner to continue with the Rapid Access Prescribing Service until 30th September 2021.

Executive Summary

Neath Port Talbot County Borough Council ("the Council") acts as the banker for the Western Bay Area Planning Board, in respect of Welsh Government Substance Misuse Action Fund money (SMAF) and partner contributions from Swansea and NPT Councils.

The Area Planning Board (APB) was set up in 2010, but is not a legal entity in its own right, so is not able to enter into contractual arrangements with Service Providers or award grant funding in its own right. Therefore this report advises that the Head of Education Development has entered into a new grant agreement with the South Wales Police and Crime Commissioner to continue with the existing Rapid Access Prescribing Service to end on the 30th September 2021.

In February 2020 Karen Jones (then Assistant Chief Executive NPT CBC and Chair of the APB) utilised her delegated powers to enter into a grant agreement with the Office of the Police and Crime Commissioner to utilise the grant monies for the purpose of altering their current contract with G4s under the Dyfodol Service to provide a new rapid access prescribing service for the APB. This was in response to actions identified by the Joint PSB Critical Incident Group that related to increasing the amount of prescribing places for individuals with substance use issues in the region. The service was established and started taking referrals in March 2020.

Background

Neath Port Talbot County Borough Council ("the Council") acts as the banker for the Western Bay Area Planning Board, in respect of Welsh Government Substance Misuse Action Fund money (SMAF) and partner contributions from Swansea and NPT Councils.

The Western Bay APB invited substance misuse providers to submit proposals in respect of SMAF in accordance with its strategic priorities. The Police and Crime Commissioner's Office via their Dyfodol service responded with the proposal to provide capacity for rapid access clinical Opiate Substitute Treatment (OST) for up to 30 individuals identified by the Western Bay Engagement team and Swan project in response to current Critical Incident group concerns.

The service commenced in March 2020 and despite a delay of 2 months (due to the start of the Covid 19 lockdown) has been working with

individuals requiring OST who are leading chaotic lifestyles and identified as high risk by Engagement Team and Swan project. These individuals have been able to gain a rapid clinical assessment and access to clinical treatment with a view to stabilising their use and preparing them for longer term referrals to other prescribing services that are available.

The current grant agreement between the Council and the Police and Crime Commissioner's Office expired on 31st March 2021. Due to the delay in commencing the service G4s was able to carry forward some funding from the start of the project to run the project to the 30th June 2021.

To ensure continuity of service for those who are currently being prescribed and for those who are waiting the APB agreed to utilise some of its 21/22 SMAF money to extend the project. There is sufficient SMAF money to pay for an additional 3 months from July - September 2021. It should be noted that an alternative source of funding has been secured via the Home Office to ensure that the project can run for another full year from November to take it to March 2022 (this funding has been sourced by the PCC directly).

The APB has been assured that the project has been delivering to a high standard and all the prescribing places are being utilised. The service has been monitored by the APB Team via its established contract monitoring processes and the service has been picking up service users who have suffered overdoses and have been reported to the APB Drug Poisoning Task Force. The Rapid Access Prescribing Service has become part of the Newid Integrated Substance Misuse Service in Western Bay and complements existing provision by plugging identified gaps in treatment. A review of the service that has been delivered over the past year.

It should also be noted that funding for the medication that the service prescribes (Buprenorphine) has been secured directly from Welsh Government via its Covid Winter Funding Scheme.

As the Area Planning Board is not a legal entity in its own right, it is not able to enter into contractual arrangements with Service Providers or grant agreements. Work is currently ongoing to agree a Financial and Risk Sharing Agreement and a draft document has been provided to APB statutory authorities for comment. Once this has been agreed NPT CBC

can then take the lead on any new contracts or changes to existing contracts without bearing all the risk.

It had been hoped that the Financial and Risk Sharing Agreement would be in place to enable the decision of the APB in respect of the contract to be enacted.

It is acknowledged that once a grant is awarded, there is less control over the provider, but officers are satisfied that G4s can continue to utilise the grant monies in an effective way across the region as it has been doing. This arrangement has worked well over the past year.

Therefore this report, advises that the Head of Education Development has entered into another grant agreement with the South Wales Police and Crime Commissioner to continue with the current Rapid Access Service provided by G4s for 3 months covering the period July - September 2021.

The Area Planning Board is currently embarking on a Transformation Project, which will deliver a new fully integrated public health model for substance misuse services across the region. This extension will fall outside the timeline of this project but will lead up to its implementation.

Financial Impact

The proposal contained in this report will utilise currently unallocated SMAF funding and will ensure that available resources in the area are used to meet the APB's strategic priorities. The operational lead for the APB will continue to liaise closely with colleagues in finance to ensure that the contract is affordable within budgetary constraints of the SMAF grant.

Integrated Impact Assessment

There is no requirement to undertake an Integrated Impact Assessment as this report is for information purposes.

Workforce Impacts

The proposals contained in this report have no Council workforce implications.

Legal Impacts

The SMAF monies (the Fund) are subject to Welsh Government grant conditions, which the Council is obliged to comply with. Failure to comply with the grant conditions would put the Council at risk of claw back of the Fund by Welsh Government. It is intended that the process of the award of the Fund via a grant to the Police and Crime Commissioner's Office by the Council will be in line with the grant conditions.

The allocation of the Fund will require a grant agreement which will require the Police and Crime Commissioner's Office to comply with the grant conditions. The grant agreement will entail the recipient only being permitted to use the grant monies for the specific purposes for which they are made available by the Council. The Council will have the right to claw back the monies if they are not used or if misused.

Grants are outside of the procurement regime and are excluded from the Council's Contract Procedure Rules under rule 7.1.21.

Risk Management

The Council could potentially be exposed to challenge from aggrieved providers who have not had an opportunity to bid for a contract such as this. They may wish to challenge this by Judicial Review of the Council's decision.

Any challenge could involve both the cancellation of current arrangements and/or the threat of a financial penalty determined by the Courts.

It would be contended that the risk of this is considered to be low due to the absence of other possible providers on the market and the intention to carry out a wider tender exercise in the next 2 years. In any case any risk is deemed to be outweighed by the need to continue to provide support to the service users, as they have specific needs that have to be met.

The Council's defence of any such challenge would be strong as the constitution allows for the action proposed.

Consultation

There is no requirement under the Constitution for external consultation on this item.

Recommendation

For information

Appendices

None

List of Background Papers

None

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