

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
REGENERATION AND SUSTAINABLE DEVELOPMENT
CABINET BOARD

11 March 2022

Report of the Head of Education Development - C.Millis

Matter for Decision

Wards Affected:

All wards.

**Substance Misuse Action Fund: grant agreements-
Western Bay Area Planning Board**

Purpose of the Report

1. For information having regard to rule 7.1.21 of the Contract procedure Rules whereby a grant agreement is excluded from the requirement for competitive tendering.
2. And to seek authority for the Head of Education Development to enter into a grant agreement with the
 - 2.1 Amman Tawe Valley Medical Practice to extend the current service provided by the Primary Substance Abuse Liaison Team (PSALT) Primary Care Services for 2022/23 to the value of £66,772 to 31st March 2023.

2.2 Office of the Police and Crime Commissioner in respect the Rapid Access Prescribing Service in the Western Bay region to the value of £113,535 until 31st March 2023 alongside the Police and Crime Commissioner's funding from the Home Office.

3. And for information in respect of 2.2 as to the joint funding arrangements with the Office of the Police and Crime Commissioner in respect of the Rapid Access Prescribing Service in the Western Bay region.

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.

Having regard to rule 7.1.21 of the Contract Procedure Rules whereby a grant agreement is excluded from the requirement for competitive tendering, this report seeks authority for the Head of Education Development to enter new grant agreements with the (i) South Wales Police and Crime Commissioner to enable the continuation of the existing Rapid Access Prescribing Service (RAPs) and (ii) with Amman Tawe Partnership in respect of the Primary Substance Abuse Liaison Team (PSALT). These agreements are to run from 1st February 2022.

The agreement with the PCC for Rapid Access Prescribing Service and the agreement with the Amman Tawe Partnership will end on the 31st March 2023.

In February 2020 Karen Jones (then Assistant Chief Executive NPT CBC and Chair of the Area Planning Board) (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 providing a new rapid access prescribing service for the APB (altering the Police and Crime Commissioner's current contract with G4s under the Dyfodol Service). This was further extended to September 2021 by the Head of Education Development as reported to Board. An alternative

source of funding was secured for the Dyfodol service via PCC from the Home Office to run the project from September 2021 to March 2022, with an understanding that SMAF would be available if there was a funding shortfall.

Therefore if approved, SMAF will be used via a grant agreement to co-fund the RAP service, alongside the PCC's funding from the Home Office

In February 2021 authority was granted for the establishment of a grant agreement in respect of an extension to the scale of Primary Substance Abuse Liaison Team (PSALT) service in the Western Bay region, having regard to rule 7.1.21 as detailed above.

This report seeks authority for the Head of Education Development to enter into a grant agreement with the Amman Tawe Valley Medical Practice to extend the current service provided by the Primary Substance Abuse Liaison Team (PSALT) Primary Care Services for 2022/23.

Background

Area Planning Boards (APBs) were established in 2010 as part of the arrangements to deliver the Welsh Government Substance Misuse Strategy 'Working Together to Reduce Harm'.

The APBs were intended to provide a regional framework, to:

- (i) Strengthen partnership working and strategic leadership in the delivery of the substance misuse strategy; and,
- (ii) Enhance and improve the key functions of planning, commissioning and performance management

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.

Grant agreements and risk sharing

The Area Planning Board is not a legal entity in its own right, so is not able to enter into contractual arrangements with Service Providers. As NPTCBC is the banker and lead, it would fall to NPTCBC to enter into such an agreement on behalf of the partnership.

However in the absence of an appropriate agreement, NPTCBC is exposed to all the responsibilities and liabilities, if it enters into new or amends any contracts in respect of substance misuse services.

A risk sharing agreement has been developed by NPTCBC legal services and this will enable risk to be shared amongst partners, and once this is in place NPTCBC can take the lead on any new contracts or changes to existing contracts without bearing all of the risk.

NPTCBC has recently endorsed this risk sharing agreement. However it cannot be relied upon until all responsible authorities and partners to the agreement (and APB) have secured appropriate approval through their own governance arrangements. I understand this is underway but not yet complete.

Having reviewed the options, it is considered that entering into a grant agreements direct with Amman Tawe Valley medical practice and the PCC respectively, enables the decisions of the APB to be enacted, with the least risk to NPT.

Under rule 7.1.21 of the CPRs a grant agreement is excluded from the requirement for competitive tendering, in that "a Council Grant to another organisation that contains no Services being performed back to the Council". This type of arrangement has worked well and as such this course of action is considered appropriate.

It is acknowledged that there is less control over the provider through a grant agreement but appropriate service monitoring arrangements against agreed outcomes are in place on a quarterly basis and any issues will be reported to the APB.

Authority is sought to enable the agreements to be entered into as detailed below. Both grant agreements will be entered into in 2021/22 to enable draw-down of funding in this financial year for services in February and March 2022, and 2022/23.

Rapid Access Prescribing Service

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 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 previous 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 service was funded via the PCC's project ADDER (Home Office Funding) from July 2021.

The APB agreed to allocate SMAF towards the project as and when the ADDER funding ran out, to enable the service to continue for the whole year.

This report seeks authority to enter into a new grant agreement with the PCC to run from the 1st February 2022 to 31st March 2023 to continue the service. It should be noted that ADDER funding has again been secured by the PCC via the Home Office to ensure that the project can run for another full year from January 2023 to March 2023.

The grant agreement with the PCC's office will use SMAF to enable the RAPs service to continue to the value of £113,535. Members should also note the investment made by the Home Office ADDER money is to the total value of £116,430 covering the period 21/22 and 22/23.

The APB has been assured that the project has been delivering to a high standard and all the prescribing places are being utilised. This service is reaching some of our most vulnerable service. 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.

PSALT (The Primary Substance Abuse Liaison Team)

The Western Bay APB invited substance misuse providers to submit proposals in respect of SMAF in accordance with its strategic priorities, and consequently an extension to an existing service was accepted.

The Primary Substance Abuse Liaison Team (PSALT) is a substance misuse support project providing Primary Care Services on behalf of GPs and access to support workers, nurses and doctors. PSALT are delivering additional spaces of low threshold prescribing, based on the current delivery model in Swansea, to people who are who are stable, but continue to require long term opiate substitute treatment, across the whole of the Western Bay region.

It is well documented that the current supply of Opiate Substitute Treatment (OST) services are not meeting the level of need among residents of Western Bay.

Increasing the capacity of OST services therefore helps the ABP continue to meet its objectives of:

- (i) Reducing the risk of drug related overdoses.
- (ii) Providing parity of low threshold prescribing across the Western Bay region.

The service has been monitored and officers are satisfied that it continues to meet the service specification and objectives above. It is therefore appropriate to fund the continuation of this service.

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

A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016.

The first stage assessment, attached at Appendix 1, has indicated that a more in-depth assessment is not required. A summary is included below.

If the proposal is agreed, it will increase the number of Individuals who will be able to access services that they need to assist them on their road towards recovery from addiction to illegal substances. This proposal will therefore not have any negative impacts. The impacts will have a positive effect both for the Individuals who receive the service and for the wider community. The proposal will have a positive impact on reducing engagement in criminal activity and increasing engagement in education, training and employment.

Valleys Communities Impacts:

If the proposal is agreed, it will increase the number of Individuals who will be able to access a service that they need to assist them on their road towards recovery from addiction to illegal substances across NPT

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 and the Amman Tawe Valley Medical Practice, respectively, by the Council will be in line with the grant conditions (WG Grant Conditions).

The allocation of the Fund to the Police and Crime Commissioner's Office and the Amman Tawe Valley Medical Practice will require a grant

agreement for each requiring the Police and Crime Commissioner's Office and the Amman Tawe Valley Medical Practice to comply with the WG Grant Conditions. The proposed grant agreements 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 requirement of competitive tendering under the Council's Contract Procedure Rules; rule 7.1.21.

Grant agreements offer the Council less control over the arrangements when compared to contracts for services, however, the proposed conditions will have claw- back provisions and other monitoring arrangements as set out in this report. Utilising grant agreements for the funding (over contracts for services), will pose a lower legal risk for the Council where it is entering into these arrangements on behalf of the APB

Risk Management

The Council could potentially be exposed to challenge from aggrieved providers who have not had an opportunity to bid for the proposed arrangements. They may wish to challenge the decision to enter into the proposed grant agreements by Judicial Review of the Council's decision.

It would be contended that the risk of this is considered to be very 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 and there is no requirement, legally, for competitive tendering as the proposed grant agreements are not contracts for services.

Crime and Disorder Impacts:

Section 17 of the Crime and Disorder Act 1998 places a duty on the Council in the exercise of its functions to have "due regard to the likely

effect of the exercise of those functions on and the need to do all that it reasonably can to prevent:

Crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and

- (i) The misuse of drugs, alcohol and other substances in its area; and
- (ii) Re-offending in the area”

The impact of the proposal is expected to be positive, with some impact.

Consultation

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

Recommendation

Having had due regard to the first stage integrated impact assessment, it is recommended that

Rule 7.1.21 of the Contract procedure Rules be observed, whereby a grant agreement is excluded from the requirement for competitive tendering.

Authority be granted to the Head of Education Development to enter into a grant agreements with the

- (i) Amman Tawe Valley Medical Practice to extend the current service provided by the Primary Substance Abuse Liaison Team (PSALT) Primary Care Services, from February 2022 to end of March 2023.
- (ii) Office of the Police and Crime Commissioner in respect the Rapid Access Prescribing Service in the Western Bay region, from February 2022 to end of March 2023.

Both grant agreements will run from February 2022, to utilise 21/22 funding

That Members note the joint funding arrangements between the Council and the Office of the Police and Crime Commissioner, in respect of the Rapid Access Prescribing Service in the Western Bay region.

Reasons for Proposed Decision

To ensure the necessary arrangements can be put in place to enact decisions of the Area Planning Board, to meet identified needs.

Implementation of Decision

The decision is proposed for implementation with immediate effect.

Appendices

None

List of Background Papers

None

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