

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
SOCIAL SERVICES, HOUSING AND COMMUNITY SAFETY
CABINET BOARD

9th March 2023

**Report of the Interim Head of Housing & Communities -
Mrs Chelé Zandra Howard**

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 Interim Head of Housing & Communities to extend by way of a deed of variation the existing grant agreements with (i) the Amman Tawe Valley Medical Practice to extend the service provided by the Primary Substance Abuse Liaison Team (PSALT) Primary Care Services for 2023/24 to the increased value of £66,927 to 31st March 2024, and (ii) the Office of the Police and Crime

Commissioner ("the PCC") in respect the Rapid Access Prescribing Service in the Western Bay region to the increased value of £271,754 until 31st March 2024 alongside the PCC's funding from the Home Office.

3. And for information in respect of 2.2 as to the joint funding arrangements with the PCC 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 Neath Port Talbot Councils.

The Area Planning Board ("the 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. As such the Council as hosts of the APB enter into agreements for the provision of services on behalf of the organisations that make up the APB.

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 Interim Head of Housing & Communities to enter into deeds of variation in respect of the existing grant agreements as detailed below to enable the continuation and extension of the services providing by way of the Rapid Access Prescribing Service (RAPs) and Primary Substance Abuse Liaison Team (PSALT).

Extending the grant agreement and increasing the funding to Amman Tawe Valley Medical Practice will enable the provision of 100 low threshold opiate substitute prescribing places by the Primary Substance Abuse Liaison Team (PSALT), to the total value of £66,927 for the 2023/2024 period, to be delivered from 1st April 2023.

Extending the grant agreement and increasing the funding to the Office of the PCC in respect the Rapid Access Prescribing Service ("RAPS") to the total value of £271,754 for the 2023/2024 period will also be delivered from 1st April 2023, alongside the PCCs funding from the Home Office. The RAPS service works with individuals requiring opiate substitute

treatment, who are leading chaotic lifestyles and identified as high risk, in order to support them 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.

Both these services are integral in reducing the risk of drug related deaths.

Background

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

However in the absence of an appropriate agreement, the Council 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 the Council's legal services and this will enable risk to be shared amongst partners. However, the risk sharing agreement cannot yet be relied upon, as discussed in a separate report on this Agenda.

Having reviewed the options, it is considered that extending and amending existing 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 the Council.

Under rule 7.1.21 of the CPRs a grant agreement is excluded from the requirement for competitive tendering. 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. In addition, the agreement will contain a 3 month no fault notice, which the Council can rely upon to end the agreement earlier if required.

Extending both grant agreements will enable draw-down of funding in this financial year for services in in the 2023/2024 financial year.

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 PCC via their Dyfodol service responded with the proposal to provide capacity for rapid access clinical Opiate Substitute Treatment (OST).

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 (Support, Wellbeing, Advocacy and Enablement; this project supports women who are sexually exploited). 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 service is co-funded via the 'Addiction, Diversion, Disruption, Enforcement and Recovery' (ADDER) funding from the UK Government via the PCC. Project ADDER is part of a drive by the UK Government to cut down on drug-related crime and violence, and significant investment is being made in this region.

In March 2022, the authority entered into a new grant agreement with the PCC to run from the 1st February 2022 to 31st March 2023 to continue

the service i.e. 14 months and 30 prescribing places. The grant agreement with the PCC used SMAF to enable the RAPs service to continue alongside investment from the Home Office/PCC Project ADDER funding for the period 21/22 and 22/23.

This report seeks authority for the Interim Head of Housing to enter into a deed of variation with the Office of the PCC to continue and amend this service insofar as a proposed increase in funding as set out below.

The APB is 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.

This report proposes extending the grant agreement with the continued delivery of the 30 places at a value of £43,770 plus the APB has agreed to purchase 30 more places (60 in total) at a cost of £227,984 (SMAF is matched with ADDER funding to cover the total cost of the service). The increased costs are as a result of increase in salaries, additional administrative support, additional travel and utility costs and an increase in central overheads and management charges.

The total funding for 2023/2024 will therefore be £271,754. The rationale is that the APB through its Strategic Evaluation of Prescribing Services (StEPS) wants to see increased provision of prescribing services to meet current unmet needs and ensure that rapid access is the doorway into all prescribing. By investing additional resources we have available this year we will be able to eliminate waiting times for prescribing in 2023/2024, and reduce the risk of drug related deaths.

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.

This report proposes extending the grant agreement and for funding of £66,927 running from 1st April 23 to 31st March 24 (12 months), for 100 prescribing places. Increased costs related to the need to cover the costs of utilities at their building (previously funded by capital grant) and the agreement from the APB for them to run out-of-hours clinics.

Opiate Substitute Treatment

In respect of both services, 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 services are 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 these services.

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.

The total amount of funding for the extended term of each agreement will be:

Rapid Access Prescribing Service: £271,754

PSALT: £66,927

For RAPS there will be an increase in funding for 2023/2024 in the sum of £158,291 for 2023/2024 to be paid out of the APB's 2022/2023 budget. It should be noted that the previous grant was for the duration of 14 months at a cost of £113,535. The new grant agreement will be for the sum of £271,754 to cover 12 months but for double the amount of provision.

For PSALT, there will be an increase in funding for 2023/2024 in the sum of £10,699 (utility costs and new out of hours provision) for 2023/2024 to be paid out of the APB's 2022/2023 budget. It should be noted that the previous grant was for duration of 14 months at a cost of £66,772. The new grant agreement will be for the sum of £66,927 but for 12 months.

There is no impact on the Council's budget, as this is grant funded via SMAF and also Project ADDER funding via the PCC

The amended agreements will be entered into in March 2023 (by way of deed of variation) for continuation of existing services in March 2023, and extended services in 2023/24 (with those increases in funding and places detailed above).

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

The services are accessible to all eligible people in NPT, including the Valleys

Workforce Impacts

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

Legal Impacts

The SMAF monies 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 SMAF funding via a grant to the Office of the PCC 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 further funding as detailed in this report to the PCC and the Amman Tawe Valley Medical Practice will require parties to vary the existing grant agreements to provide for the increase in term of the agreements (covering 2023/2024). The existing grant agreement for each organisation will still require the Office of the PCC and the Amman Tawe Valley Medical Practice to comply with the WG Grant Conditions. The proposed extensions to the 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 still 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. In addition, the grant agreements

will still contain a three month no fault termination clause to allow the Council to end the agreement early if required. Utilising grant agreements for the SMAF 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.

Haven taken legal advice, it is considered appropriate to enter deeds of variation in respect of the two existing grant agreements.

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 two 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

It is recommended that:

(a) The use of section 7.1.21 of the Contract procedure Rules is noted, whereby a grant agreement is excluded from the requirement for competitive tendering.

(b) Members grant delegated authority to the Interim Head of Housing & Communities to enter deeds of variation 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, for services to be delivered in 2023-24 and for there to be an increase in funding for 2023/2024 in the sum of £10,699 for 2023/2024 to be paid out of the APB's 2022/2023 budget.

(ii) Office of the Police and Crime Commissioner in respect the Rapid Access Prescribing Service in the Western Bay region for services to be delivered in 2023-24 and for there to be an increase in funding for 2023/2024 in the sum of £158,291 for 2023/2024 to be paid out of the APB's 2022/2023 budget.

(c) To note the joint funding arrangements between the Council and the Office of the PCC 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 after the three day call in period.

Appendices

None

List of Background Papers

None

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