

Notice of Non-Key Executive Decision

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| Subject Heading: | Local Authority grant for additional drug treatment and crime and harm reduction activity in 2021/22 |
| Cabinet Member: | Councillor Jason Frost, Cabinet Member for Health and Adult Care Services |
| SLT Lead: | Mark Ansell, Director of Public Health |
| Report Author and contact details: | Daren Mulley, Senior Commissioning Manager T: 01708 433982 E: daren.mulley@havering.gov.uk |
| Policy context: | At a local level, this contract supports Havering Council to meet its Communities Theme priorities in its Corporate Plan 2019/20. This plan sets out how the Council intends to invest and transform the borough with an emphasis on improving the lives of vulnerable children, adults and families. In summary, this contract ensures the Council fulfils its aim of ensuring that the needs of the most vulnerable are met and that people are supported to be healthy and active. |
| Financial summary: | The Council has been allocated a total of £226,000 from Public Health England. The grant expenditure must be on revenue and incurred over a maximum period of 12 months starting as early as possible in the |

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| | first quarter of the financial year 2021/22. |
| Relevant OSC: | Individuals |
| Is this decision exempt from being called-in? | No |

The subject matter of this report deals with the following Council Objectives

| | |
|-------------------------------|-------------------------------------|
| Communities making Havering | <input checked="" type="checkbox"/> |
| Places making Havering | <input type="checkbox"/> |
| Opportunities making Havering | <input type="checkbox"/> |
| Connections making Havering | <input type="checkbox"/> |

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This decision paper seeks approval:

- i) To accept the S31 local authority grant from Public Health England (PHE) to provide additional drug treatment and crime and harm reduction activity in 2021/ 2022
- ii) To enter into a grant agreement in the form set out by Public Health England for the grant
- iii) To vary the existing contract with Change, Grow, Live (CGL) the current Provider of adult drug and alcohol treatment

AUTHORITY UNDER WHICH DECISION IS MADE

Havering Council's Constitution, Part 3 [Responsibility for Functions]

3.3 Powers of Members of the Senior Leadership Team.

Financial Responsibilities

(c) In consultation with the relevant Cabinet Member to apply for, accept and manage external funding up to a limit of £500,000 per grant in support of any function within their Directorate provided that any financial contributions by the Council are made from within existing budgets.

Part 4 [Contract Procedure Rules]

19.9 for extensions with a value between the EU Threshold for Supplies and Services and £5,000,000, approval of a member of SLT is required.

STATEMENT OF THE REASONS FOR THE DECISION

In February 2021, the government announced in a letter to Directors of Public Health an additional £80 million to fund drug treatment in 2021/22, as part of a £148 million funding package for reducing crime. The £80 million is new funding for 1 year to enhance drug treatment, focused on reducing drug-related crime and the rise in drug-related deaths. Havering Council has been allocated £226,000. This funding is in addition to the money Local Authorities (LAs) already spend on substance misuse from the Public Health grant. The funding will be made available through the Section 31 grant provisions of the Local Government Act 2003.

The key aim of the grant is to help drive down drug related crime, particularly acquisitive crime and violent crime and therefore offenders are the main target population for this grant. Interventions will be monitored nationally and improved pathways from the criminal justice system and increased use of community sentence treatment requirements will be key to achieving this aim. PHE have provided a menu of

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interventions for which this additional expenditure has been approved. These are evidence-based interventions which will not create an ongoing need beyond 2021/22 and are targeted towards reducing crime and drug-related deaths. Below is a summary of the menu of interventions that the universal grant could be used for:

- a) offering more treatment places
- b) increased use of residential rehabilitation
- c) expanding needle and syringe programmes to reduce blood-borne viruses
- d) providing more naloxone to prevent overdose deaths
- e) improving treatment pathways from the criminal justice system including courts, prisons and police custody
- f) increasing use of community sentence treatment requirements

Taking the above requirements into consideration, the Council plans to fund the local contracted adult drug and alcohol treatment Provider (Change, Grow, Live) to deliver the following service improvements:

- a) reduce drug-related offending
- b) improve continuity of care, especially between prisons and the community (a greater proportion of offenders who leave prison are successfully engaged in the community to reduce reoffending)
- c) reduce drug-related deaths, principally from overdose poisoning but also from infections, drinking, etc
- d) more treatment and recovery capacity, primarily for offenders (more offenders enter treatment, offending is reduced, more people recover)
- e) increase in use of residential provision (more complex drug users achieve and sustain abstinence and recovery)

In more detail, the Council applied to PHE to fund the following specific interventions;

| Area | Proposed Interventions | Proposed Spend |
|---|--|----------------|
| Enhanced Harm Reduction | 1 x FTE Outreach Worker. Post to target those with complex needs/engagement with Criminal Justice (CJ)/drop-outs. | £37,568 |
| Increase in use of residential provision | 3 x Residential Rehabilitation placements @ £16,654 per stay. Ring-fenced for prison leavers / those engaged with CJ system. | £49,962 |
| Increased integration and improved pathways | 1 x FTE Project Co-ordinator (Team Leader level) @ £45,612 including on-costs to lead the development and co-ordination of enhanced CJ offer, line manage CJ staff, develop and maintain partnerships and ensure legacy planning. 1 x FTE Criminal Justice Recovery Worker @ £37,568 incl. on-costs to deliver specialist CJ provision incl. presence/assessments in court, cells, probation; provide prison-link services for prison releases including gate pick up and accompanying to treatment appointments. | £110,929 |

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| | Prescribing sessions @ £27,749 incl. on costs to provide additional prescribing capacity for CJ service users engaged through enhanced service. | |
| Increase treatment capacity | 0.6 x FTE Criminal Justice Recovery Worker. To enhance offer to respond to extra diversion activities. Role will deliver CGL's evidence-based Foundations of Rehabilitation Group Work Programme and additional non-opiate and DRR group. | £22,541 |
| Enhanced recovery support | Monies to be used as a 'Sparks Fund' for service users with offending history. Given as 'personal budgets' to a maximum of £200 per service user to aid social integration and preparation for employment, training and education. | £5,000 |
| | Total Amount | £226,000 |

The grant application was submitted to PHE on 25th March 2021 and approved by PHE and the Department of Health and Social Care (DHSC) in a letter sent to the Director of Public Health on 8th April 2021. Following approval of this decision, the Joint Commissioning Unit will proceed with issuing a contract variation notice to the Provider. The delivery and impact of this additional funding will be reviewed through the Council's regular contract management with the Provider.

OTHER OPTIONS CONSIDERED AND REJECTED

No other options were considered. Public Health England has given specific requirements for the expenditure of grant and the current contracted Provider is the most appropriate recipient of the grant to enhance existing drug and alcohol services as per the grant application.

PRE-DECISION CONSULTATION

The pre-decision consultation has involved engaging with a number of stakeholders;

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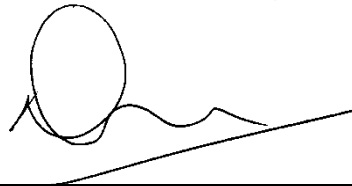
- Change, Grow, Live (the Provider of adult drug and alcohol services)
- Public Health
- Community Safety
- Probation
- Legal
- Finance
- Equalities

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Daren Mulley

Designation: Senior Commissioning Manager

Signature:

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a series of loops and a long horizontal stroke extending to the right.

Date: 20th April 2021

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

This report seeks approval to accept a grant from PHE, enter into a grant agreement and vary the existing contract with Change, Grow, Live to provide additional drug and crime reduction services. The relevant background is as set out within the body of this report.

The Council is a local authority as defined by section 270 of the Local Government Act 1972. Section 1 of the Localism Act 2011 affords the Council a power of general competence “to do anything that individuals generally may do”. Section 2 of the same Act sets out the limits of that general power, requiring local authorities to act in accordance with statutory limitations or restrictions. The Council also has a general power under section 111 of the Local Government Act 1972, “to do anything which is calculated to facilitate, or is conducive or incidental to the discharge of its function”, including entering into the arrangements proposed in this report.

The Council has a duty under Section 12 of the Health and Social Care Act 2012 to take such steps as it considers appropriate for improving the health of the people in its area including providing services or facilities for the prevention, diagnosis or treatment of illness. Alongside a general duty under section 1 of the Care Act 2014 to promote the well-being of individuals. “Wellbeing” in relation to an individual is defined within the 2014 Act as including (b) physical and mental health and emotional well-being, participation in work, education, training or recreation, (f) social and economic well-being and (i) the individual’s contribution to society

The Council intends to vary its existing contract with Change, Grow, Live to provide additional services using the PHE grant award for a period of 12 months. Reg 72 (c) Public Contracts Regulations 2015 allows for variations where all of the following conditions are fulfilled:—

- (i) the need for modification has been brought about by circumstances which a diligent contracting authority could not have foreseen;
- (ii) the modification does not alter the overall nature of the contract;
- (iii) any increase in price does not exceed 50% of the value of the original contract or framework agreement. All temporary changes to contracts must be in writing and note that they relate to the current crisis.

In accordance with Part 4 of the Constitution: Contract Procedure Rule (CPR) 19.5 the extension document will need to be executed as a deed, as the original contract was signed as a deed.

CPR 19.9 for extensions with a value between the EU Threshold for Supplies and Services and £5,000,000, approval of a member of SLT is required.

FINANCIAL IMPLICATIONS AND RISKS

A grant has been awarded to the London Borough of Havering for the sum of £226,000 from Public Health England. The anticipated expenditure against the grant in the

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2021/22 financial year is £226,000. This is based upon a detailed breakdown from the provider of what additional staffing resources would be required to fulfil the contract variation.

The grant conditions state that the funding can only be spent in accordance with the proposal that has been submitted and in the event that an under spend is forecast, this should be reported as soon as possible.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

There are no implications or risks anticipated to Council staff as the employees involved in the delivery of the additional grant funded posts will be employed directly by the existing Supplier.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

The action undertaken will include monitoring how the service meets the needs of all eligible users, including those from ethnic minority communities and the disabled. The Council will also ensure that potential providers have undertaken equality training and adhere to the Council's Fair to All Policy or their own equivalent.

BACKGROUND PAPERS

None

Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Delete as applicable

Proposal NOT agreed because

Details of decision maker

Signed



Name: Mark Ansell

Cabinet Portfolio held:

CMT Member title:

Head of Service title:

Other manager title:

Date: 22nd April 2021

Lodging this notice

The signed decision notice must be delivered to the proper officer, Andrew Beesley, Committee Administration & Interim Member Support Manager in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____