

CABINET MEMBER DELEGATED DECISION – 23 SEPTEMBER 2021

Report title: Implementation of Public Health England Section 31 Grant - Drug treatment and crime reduction proposals

Wards: All

Portfolio: Cabinet Member for Health and Social Care (job-share), Councillor Jim Dickson and Councillor Lucy Caldicott

Report Authorised by Andrew Eyres: Strategic Director for Integrated Health and Care.

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Report summary

This report seeks approval to waive the Council's Contract Standing Order 8.2 and award contracts to South London and Maudsley (SLaM) and Women in Prison for the provision of Section 31 Drug Treatment and Crime Reduction grant from Public Health England. The funding and proposals will cover staff and treatment costs as well as the commissioning support function to be provided by the Council.

This grant is a one-off fund which will enable Lambeth to provide and test alternative models of Substance Misuse health services for those within the criminal justice system to access. The contract period is for 12 months from 01/04/21 until 31/03/22.

There was no formal approval in place for the spend during 01/04/21 to 31/08/21, therefore the Cabinet Member is asked to note the commitment to spend during this period.

Public Health England allocated £515,000 to Lambeth Council as part of the Section 31 funding for Drugs and Alcohol Universal Funding. The Council was asked to submit proposal for the funds, and these were accepted and awarded for 21/22. A Memorandum of Understanding and Statement of Grant Usage was agreed and signed. Most of the funding is allocated to providers who formed part of the proposals though the council receive a contribution towards commissioning capacity. All posts are fixed term and subject to funding.

The contract will run for the period 01/04/21 until 31/03/22 with agreed flexibility that the contract can be completed in Q1 2022/23 to ensure a full year effect accounting for the delays to funding award and therefore any resultant delays in recruitment).

With the exception of funding allocated for commissioning, support provided by the council, the remainder of the funding is for Providers for provision of staff and associated treatment costs as set out in the definition of interventions as set by PHE.

Staff posts from 01/03/21 – 31/03/22

Staff Breakdown per agency is:

SlaM:1 FTE Clinical Psychologist, 2 x FTE Assistant Psychologists, 3 FTE Criminal Justice Workers

Women in Prison: 1 FTE Criminal Justice Worker

Lambeth council: 1 FTE Senior Commissioner

Recommendations

1. To note the commitment to spend from 01/04/21 to 31/08/21 for an amount of £191,667 that is yet to be invoiced.
2. To approve the spend from 01/09/21 to 31/03/21 for an amount of £268,333 with an overall total of £460,000.
3. To waive Contract Standing Order 8.2 due to demonstrable best interest and approve the Direct Award of the PHE Drug and Crime Reduction Grant contracts to South Lambeth and Maudsley (SLaM) (£415,000), Women in Prison (£45,000) from 01/04/21 to 31/03/21 for a total amount of £460,000).
4. To approve £55,000 towards council commissioning support for a fixed term post to oversee contracts detailed in recommendation 3.

1 CONTEXT

- 1.1 The grant was awarded to Lambeth and partners (SLaM, Women in Prison) as part of a joint bid with the National Probation Service to engage those in the criminal justice system who access Substance Misuse services or who have substance misuse needs and provide health services via a combination of direct nursing care, psychological input, treatment provision and supportive workers with the intention of encouraging the public to take up mainstream mental health and substance use services.
- 1.2 The Public Health England Section 31 Grant contributes and relates to the Future Lambeth: Our Borough Plan 2016-2021, the Community Safety Partnership Action Plan and the proposals were developed in consultation across the Council.
- 1.3 This is a procurement award report.

2 PROPOSAL AND REASONS

- 2.1 Public Health England (PHE) approved the proposals submitted by the Council in partnership with SlaM and other stakeholders such as the National Probation Service. The proposal is to make direct awards to SlaM and Women in Prison.
- 2.2 Delays in award notification and confirmation of Pan London Inpatient Detox arrangements being developed and agreed have taken some time, hence the delay in this report being submitted.
- 2.3 This one-off grant will enable the borough to provide additional capacity to target drug users and crime reduction and test community-based models of access to health services for those in the criminal justice system taking a more holistic and integrated approach.
- 2.4 The delivery of this service seeks to create a seamless offer of health engagement to those in the criminal justice system including upon release from prison via a combination of direct nursing care,

psychological input and with the intention of encouraging the take up of mainstream mental health and substance use services.

2.5 The key aim of the grant is to:

- support services for people in the Criminal Justice System (CJS).
- support individuals serving community sentences at the local level.
- introduce specialist criminal justice drug and alcohol workers with a remit to divert individuals into treatment.
- expand the use of Drug Rehabilitation Requirements (DRR) and Alcohol Treatment Requirements (ATR) as part of a community sentence and as a diversion from prison
- increase the number of people leaving prison engaging in community-based treatment

2.6 The grant is for 12 months from 01/04/21 until 31/03/21 (full year effect applied and therefore flexible to run to Quarter 1 2022/2023 to account for delays to funding)

Contract Management

2.7 The contract will be monitored on a quarterly basis to ensure key performance indicators are met.

3. FINANCE

3.1 This report seeks approval to award contracts for provision of staff to South Lambeth and Maudsley (£415,000) and Women in Prison (£45,000) from 01/04/21 until 31/03/22. Lambeth will apportion £55,000 of the grant towards commissioning support to oversee the implementation of the aforementioned contracts. A fixed term post has been approved. Total grant amount is £515,000.

3.2 The table below details the interventions that have been funded:

<u>Area</u>	<u>Interventions</u>	<u>Your proposals</u>	<u>Additional spend in 2021-22 from universal grant</u>
1. System coordination and commissioning	Commissioning support	1 x FTE Interim Commissioning Officer PO6 @ 66k pa including on costs. Post holder to support the implementation of the proposals	£55,000
2. Enhanced harm reduction provision	Needle and Syringe Programmes		£0
	Naloxone provision	An additional 250 Naloxone including information and training. The focus will be on reaching friends and families of high-risk groups and on making progress with underrepresented communities	£7,000
	Outreach		£0
3. More treatment options	Novel long lasting OST	The positive impact of long-acting OST was noted by HMIP/ CQC in a recent thematic review in Lambeth.	£50,000
	Residential rehabilitation	Increased capacity allowing for more of the complex clients to access residential rehabilitation	£60,000

4. Increased integration and improved care pathways	<ul style="list-style-type: none"> -Treatment capacity for police and court custody assessments -Collaboration with L&D courts and probation -Continuity of care post prison release -Continuity of care from non-criminal justice care settings. 	<p>1 FTE Psychologist@ £64.5k and 2 x FTE Assistant Psychologists @ £47k approx. Providing one-to-one and group interventions for offenders.</p> <p>2 x FTE Criminal Justice workers @ 47.5k pa including on-costs. The workers would focus on improving the continuity of care from prison into community. 1 worker would focus on the Women's estate and co-ordinate with the Beth Centre which already supports women involved in the criminal justice system. 1 x FTE Criminal Justice worker @ 45k pa including on-costs. This post would be co-located with probation improving co-ordination of referrals, support, and interventions.</p>	£298,000
5. Increased treatment capacity to respond to extra diversion	Work with out-of-court disposal schemes and testing on arrest to provide treatment interventions	1 x FTE Criminal Justice worker @ 45k pa including on-costs. Working with colleagues to improve referral and increase capacity for additional clients seen via 'diversion' routes. The post holder would work closely with Police in Lambeth.	£45,000
6. Enhanced recovery support	Recovery communities and peer support networks		£0
7. Other interventions	Please see notes worksheet for information about inclusion of interventions outside the menu of interventions		£0
Totals			£515,000

3.3 This contract is fully funded by Public Health England Section 31 Grant, the budget for which falls under Substance Misuse, with majority of funds fully awarded to providers.

4. LEGAL AND DEMOCRACY

4.1 The delegated authority to deal with the matters set out in this report is vested in the Cabinet Member for Health and Adult social care. Expenditure already incurred can only be noted.

4.2 Section 1 of the Localism Act 2011 provides the Council with the power to do anything that individuals generally may do. The Council may exercise this power for, or otherwise than for, the benefit of the authority, its area, or persons resident or present in its area.

4.3 Section 111 of the Local Government Act 1972 provides powers for a local authority to do anything, whether or not involving the expenditure, which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

4.4 Under section 137 of the Local Government Act 1972, a local authority may incur expenditure which in their opinion is in the interests of, [and will bring direct benefit to,] their area or any part of it or all or some of its inhabitants and may provide contributions to any charitable body or other body which provides public services otherwise than for a profit.

4.5 If the statutory procurement regime applies to these awards, then the services which form the substance of the arrangements are listed in Schedule 3 of the Public Contracts Regulations 2015, meaning the Chapter 3 'light touch' regime applies and the full rigour of the procurement rules only apply if the value of the contracts exceeds £663,540. Accordingly, these funds may be awarded without publication of a notice in the Find a Tender Service.

4.6 Pursuant to paragraph 4.5, the Cabinet Member may approve a waiver of the Council's contract standing orders' competition requirement where he or she is satisfied that this is demonstrably in the Council's best interests.

4.7 This proposed key decision was entered in the Forward Plan on 12/07/21 and the necessary 28 clear days' notice has been given. In addition, the Council's Constitution requires the report to be published on the website for five clear days before the proposed decision is approved by the Cabinet Member. Any representations received during this period must be considered by the decision-maker before the decision is taken. A further period of five clear days - the call-in period – must then elapse before the decision is enacted. If the decision is called-in during this period, it cannot be enacted until the call-in has been considered and resolved.

5 CONSULTATION AND CO-PRODUCTION

5.1 Councillor Dickson was consulted and informed of the PHE Grant on 01/04/21 and he was updated subsequently after the grant was awarded.

5.2 PHE provide support and guidance on the implementation of the Grant.

6 RISK MANAGEMENT

6.1 The main risks that impede on the successful delivery of this procurement and contract are:

Table - Risk Register

Item	Risk	Likelihood	Impact	Score	Control Measures
1	Providers are financially unsustainable and are unable to deliver as a result	2	4	8	Financial assessments have been undertaken and finance will be included in contract monitoring.
2	Staff retention – risk of losing staff during end of contract period	2	4	8	Good communication with providers regarding contract term and clear exit strategy in the agreement.
3	Continuity of service and Covid -19 considerations and Brexit	3	4	12	Business continuity plan which includes Covid-19 and Brexit implications and mitigation to be sought from the provider and with PHE.
4	Challenge of direct award	2	8	16	The resource and safety implications of Covid-19 are suppressing the market and a challenge is unlikely. The grant is awarded upon a successful proposal application to PHE from Lambeth Council and secured through existing infrastructure and contracts.
5	External funding reduced	2	8	16	The contract will include a break clause if the funding is ceased.

Key

Likelihood	Very Likely	4	Likely	3	Unlikely	2	Very Unlikely	1
Impact	Major	8	Serious	4	Significant	2	Minor	1

7 EQUALITIES IMPACT ASSESSMENT

7.1 An Equalities Impact Assessment was not required however the services will record and report on equalities information to ensure that no equalities group is being disadvantaged through lack of access.

7.2 The providers delivering the service are equal opportunities employer.

8 COMMUNITY SAFETY

8.1 The service providers work closely with the Police and Community Safety and the National probation

service to address any issues and secure joint working arrangements relating to those in the criminal justice system with substance misuse issue and clear pathway referrals are in place. The providers have built up strong relationships with a range of organisations which aim to keep vulnerable adults and the wider community safe. They are also contractually obliged to carry out

locality checks to ensure any impact on the local community is quickly identified and appropriately responded to. Any complaints regarding negative impact on local communities are escalated via the contract monitoring officers and commissioners who work in partnership with appropriate agencies to resolve the issues.

- 8.2 It is a contractual requirement that the current provider's staff must possess an enhanced DBS clearance and that all staff receive training on the protection of vulnerable adults and children.

9 ORGANISATIONAL IMPLICATIONS

9.1 Environmental

The contract will encourage the provider to be environmentally sustainable and will continually review this area in accordance with improvements in best practice and/ or legislation (e.g. the Environment Bill 2019-20) during the life of this contract.

The providers will be encouraged to limit the use of single use plastics. The use of public transport by staff will also be encouraged.

9.2 Health

The Providers adopt the Healthy Workforce Charter to promote a healthy, fit and committed workforce.

9.3 Corporate Parenting

Not applicable.

9.4 Staffing and accommodation

Not applicable.

Responsible Procurement

Good Quality Jobs with Fair Pay and Decent Working Conditions

- 9.5 All employers delivering the service will pay London Living Wage as a minimum. The contract will include the requirement for employees to have the freedom to join a union and will include modern slavery requirements.

Quality Apprenticeships, targeted Employment for Lambeth residents and Lambeth Priority Group

The providers will not recruit apprentices for this but Groundswell recruit employees with 'lived experience' which enhances the service user experience.

Reduce Emissions: Lambeth Council has a commitment to being Zero Carbon by 2030

- 9.7 The use of vehicles is not included in the service specification and staff will principally use public transport in the delivery of the service.

Single Use Plastics

- 9.8 SLaM maintain an environmental sustainability strategy which in some cases addresses the reduction in the use of single use plastics.

Positive Health and Wellbeing

- 9.9 All providers with more than 250 staff will be required to work toward achieving the Mayor of London's Healthy Workplace accreditation.

Other Offers (Innovation)

- 9.10 All Providers have volunteer programmes.

10 TIMETABLE FOR IMPLEMENTATION

Activity	Proposed Date
Publication on Decisions online	15/9/21
Decision date	23/9/21
Execution of Contract	01/04/2021

AUDIT TRAIL				
Consultation				
Name and Position/Title	Lambeth Directorate	Date Sent	Date Received	Comments in paragraph:
Councillor Jim Dickson	Cabinet Member for Health and Social Care	16/08/21	16/08/21	throughout
Andrew Eyres, Strategic Director of Adults and Health	Integrated Health and Care	13/08/21	13/08/21	throughout
Ruth Hutt, Director of Public Health	Integrated Health and Care	13/08/21	13/08/21	throughout
Andrew Billington, Associate Director of Public Health	Integrated Health and Care	13/08/21	13/08/21	throughout
Peter Hesketh, Assistant Director of Finance (Adults and Health)	Finance and Property	26/07/21	26/07/21	3
Michael O'Hora, Legal Services	Legal and Governance	27/07/21	27/07/21	4.1- 4.6
Nazyer Choudhury Democratic Services	Legal and Governance	02/08/21	2/08/21	throughout
Leena Khatri Sustainability Technical Officer	Sustainable Growth and Opportunity	13/08/21	13/08/21	9.1
Sasa Glisic, Procurement Category Manager	Finance and Property	13/08/21	13/08/21	throughout

REPORT HISTORY	
Original discussion with Cabinet Member	09/04/21(bid proposal)
Report deadline	N/A
Date final report sent	N/A
Part II Exempt from Disclosure/confidential accompanying report?	No

Key decision report	Yes
Date first appeared on forward plan	12/07/21
Key decision reasons	Financial – incurring expenditure, income, or savings in excess of £500,000
Background information	None
Appendices	None

APPROVAL BY CABINET MEMBER OR OFFICER IN ACCORDANCE WITH SCHEME OF DELEGATION

I confirm I have consulted Finance, Legal, Democratic Services and the Procurement Board, and taken account of their advice and comments in completing the report for approval:

Signature: _____ **Date:** _____

Post: Robert Goodwin
Lead Commissioner Substance Misuse

I approve the above recommendations:

Signature: _____ **Date:** _____

Post: Councillor Jim Dickson
Cabinet Member for Health and Social Care (job share)

Any declarations of interest (or exemptions granted): None

Any conflicts of interest: None

Any dispensations: None