

Committee Name and Date of Committee Meeting

Delegated Officer Decision – 19 March 2024

Report Title

Officer Decision Record to award a Call Off arrangement referenced as a 'Work Order' to We Are With You (WY) via the Non-core Framework Agreement, to deliver the additional activities required in the utilisation of the Supplemental Substance Misuse Treatment and Recovery Grant 2024/25.

Is this a Key Decision and has it been included on the Forward Plan?

No, but it has been included on the Forward Plan

Strategic Director Approving Submission of the Report

Ian Spicer – Strategic Director of Adults, Housing & Public Health

Report Author(s)

Anne Charlesworth, Head of Public Health Commissioning

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Ward(s) Affected

Borough-Wide

Report Summary

WY have been awarded the Rotherham Alcohol and Drugs Services Core Contract and Non-Core Framework, referenced 20-336, which commenced 1st April 2023 and are the only supplier under both Framework Agreements. This report outlines the decision to award a Work Order to the total value of £485,858.12 (The Non-Core Work Order) to WY via the Non-core Framework Agreement. The Non-Core Work Order is required to deliver specific activities in the utilisation of the Supplementary Substance Misuse Treatment & Recovery Grant (SSMTRG), which was agreed by Cabinet on 11th July 2022, minute number 22.

Recommendations

1. The Strategic Director agrees to award the non-core Work Order to WY for additional activity in the utilisation of the SSMTRG.

List of Appendices Included

Appendix 1 - WY work order 006 – Exempt.

Background Papers

[Cabinet Report](#) – 11th July 2022

[Cabinet report](#) – 22nd November 2021

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Name of Committee – Click here to enter a date.

Name of Committee – Click here to enter a date.

Council Approval Required

No

Exempt from the Press and Public

Yes or No? If yes, use text below.

An exemption is sought for Appendix 1 under Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part I of Schedule 12A of the Local Government Act 1972 is requested, as this report contains commercially confidential information. It is considered that the public interest in maintaining the exemption would outweigh the public interest in disclosing the information as public release could jeopardise delivery of the project.

Contract Ref 20-336 Officer Decision Record to award a Call Off arrangement referenced as a 'Work Order' to We Are With You (WY) via the Non-core Framework Agreement, to deliver the additional activities required in the utilisation of the Supplemental Substance Misuse Treatment and Recovery Grant 2024/25.

1. Background

- 1.1 As described in the [Cabinet paper](#) of 11th July 2022, Rotherham were awarded a Supplemental Substance Misuse Treatment and Recovery Grant of £2,178,186 for 2024/25 (Appendix 1).
- 1.2 £485,858.12 of this has been allocated to WY to continue the delivery of additional service provision relating to the SSMTRG aims, including additional prescribing capacity and staff posts. This is continuation funding, with activity commencing under Work Order 003, referenced and appended in work order 006 (Appendix 1). Work Order 006 also contains two new staff posts to enhance this activity further - a Criminal Justice lead on prison in-reach and a Young Persons Team Leader to co-ordinate the activity of the additional resource in this team.
- 1.3 The proposal will meet the aims of increased treatment capacity via increased clinical capacity and intervention, increased recovery worker capacity, and provision of specialist interventions (young people, mental health and criminal justice).
- 1.4 The total value of the Non-Core Work Order awarded under this Officer Decision is £485,858.12.

2. Key Issues

- 2.1 Work order 006 (Appendix 1) outlines the additional service activity to be delivered by WY under the SSMTRG. The Non-Core Framework Agreement made in 2023 was negotiated under the Public Contract Regulations 2015, which was the relevant procurement regime at that time.
- 2.2 The Services specified within the Non-Core Work Order are health care services that, after 1st January 2024, must be procured in compliance with The Health Care Services (Provider Selection Regime) Regulations 2023.
- 2.3 The procurement of the Services through the Non-Core Framework Agreement made in 2023 must comply with the transitional arrangements set out in Health Care Services (Provider Selection Regime) Regulations 2023, Regulation 29.

3. Options considered and recommended proposal

- 3.1 Two options have been considered, which are:
Option 1 – to award work order 006 to WY. The original procurement was designed to provide the flexibility to enable a response to the relevant funding stream in the manner detailed in this report.
Option 2 – to do nothing and risk losing the additional grant funding.

3.2 The recommendation is to award the Work Order, to WY, as per option 1, in utilisation of the SSMTRG as per the Cabinet paper. This is due to WY being the commissioned specialist drug and alcohol treatment provider, and the activities contained in the non-core Work Order are a continuation of staff posts and activity commenced in 2023/24 which need to be delivered by this specific provider.

4. Consultation on proposal

4.1 Consultation on the Grant funding is described in the Cabinet paper of the 11th of September 2023.

4.2 These proposals have been considered at the Combatting Drugs Partnership meeting on the 14th of December 2023 and the Operational grant management group on the 15th of January 2024. The Officer Decision was presented at Public Health SMT on 7th of March 2024 and DLT on the 12th of March 2024.

5. Timetable and Accountability for Implementing this Decision

5.1 The Work Order contract commencement is the 1st of April 2024.

6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)

6.1 The Council awarded a Core Contract and Non-Core Framework 1st April 2023 following an openly advertised competitive process undertaken in line with the Social and Other Specific Services provision of the Public Contract Regulations (as amended). Both the Core and Non-Core Framework were established on the basis of an initial 5-year term commencing 1st April 2023, with the option to extend annually for a further 5 years at the discretion of the Council.

6.2 On the 1st January 2024 Health Care Services (Provider Selection Regime) Regulations 2023 were introduced and the scope of the services described within this report would now align with the new Health Care Services legislation as follows:-

6.3 Regulation 29 - Transitional Provision

29 (3) These Regulations apply to

(b) any contract award procedure commenced on or after 1st January 2024 for the award of a contract to be based on, any framework agreement for relevant health care services between one or more relevant authorities and one or more providers whether or not the framework agreement was concluded in accordance with these Regulations or before 1st January 2024.

In this instance the Council is commencing the award of a new Work Order/Call Off Contract via a framework agreement which was concluded before 1st January 2024.

6.4 Regulation 18 – Contracts Based on a Framework Agreement

18 (3) Where a framework agreement is concluded with a single provider, a relevant authority may award a contract without a competition in accordance with that framework agreement.

In this instance the Council has created a Non Core Framework Agreement with a single provider and as such is permitted to complete an award/call off without a competition in accordance with the original framework as established.

6.5 The proposed spend meets the criteria of the SSMTR grant and is fully budgeted within the grant.

7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)

7.1 The Council entered into the Non-core Framework Agreement with this provider in 2023. At that time the Public Contract Regulations 2015 (PCR's) (as amended) applied to the procurement of health and social care services. The Health Care Services (Provider Selection Regime) Regulations 2023 apply to such services after the 1st of January 2024, and must be complied with for the procurement to be lawful. Legal has approached this report on the assumption that the services to be procured under the call-off contract are relevant health care services under Schedule 1 of the PSR and so must be procured using a procurement procedure that complies with the PSR regime.

7.2 The Non-Core Framework Agreement enables the Council to make call-off contracts from time to time with the provider for additional services of the kind envisaged in this Officer Decision Report. Under Regulation 29 of the PSR's, which deals with transitional arrangements between the PCR and PSC procurement regimes, call-off contracts that are made after 1st January 2024 under a pre-PSR Framework Agreement are deemed to be compliant with the new PSR procurement regime if they meet two conditions:

- i. That the call-off arrangements specified in the Framework Contract were complied with, and
- ii. That the call-off complies with Regulation 18 of the PSR Regs, including the notice requirements set out in Regulations 18 (5-6).

7.3 The process of making an award through a call off contract under the Non-Core Framework includes the requirement that the Council and the provider must agree a work order in the form described in this Officer Decision Report.

7.4 On the above basis, Legal advises that the procurement requirements imposed by the PSR regime are satisfied for this call-off.

8. Human Resources Advice and Implications

- 8.1 There are no HR implications associated with the report. The new posts being created, those appointed staff will not be employed by RMBC and therefore any potential redundancy implications would be for the company, WY to follow due process.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 WY provide an all-age service; increased harm reduction, treatment and recovery options will support all individuals accessing the service.

10. Equalities and Human Rights Advice and Implications

- 10.1 This is a universal grant for anyone who experiences substance misuse problems in Rotherham. It is known that poor physical and mental health is disproportionately experienced by some of the most vulnerable members of our local communities and the work order will aim to address inequality in health as a general principle, and to prioritise certain target groups through enhancement of engagement and outreach.
- 10.2 It will be key to ensure that any and all areas of development resulting from the additional funding ensure equal access and outcomes across all of Rotherham's communities whilst ensuring that no protected equalities group is being unintentionally disadvantaged or excluded.

11. Implications for CO2 Emissions and Climate Change

- 11.1 The Service is already in place, and no new premises are being sought. There will be no additional implications for CO2 Emissions and Climate Change, and the changes within this proposal do not highlight any further impact on CO2 emissions.

12. Implications for Partners

- 12.1. The substance misuse service ROADS (provided by With You) are continuing to work with partners and stakeholders to promote the new service model (including the non-core elements) and to establish new relationships and pathways.
- 12.2 The drug & alcohol treatment service is an essential part of an existing substance misuse treatment system. The non-core activities will improve service delivery and enhance pathways between partner services and the treatment service.

13. Risks and Mitigation

- 13.1 The future of the SSMTRG is unknown after March 2025. There is a risk to the provider of redundancy costs should the grant end.

14. Accountable Officers

Ian Spicer, Strategic Director of Adults, Housing & Public Health

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	Click here to enter a date.
Head of Legal Services (Monitoring Officer)	Phil Horsfield	Click here to enter a date.

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