

REPORT AUDIT TRAIL**CONSULTATION**

*This is important as it shows that consultation has been undertaken in the preparation of the report and provides a quick reference point for specific comments, whilst the report will not be publishable if these areas have not been completed by the named persons below. **You must liaise with and receive sign off from the relevant Cabinet Member(s).***

| Name/Position | Portfolio/Ward/ Directorate | Date Sent | Date Received | Comments in para: |
|---|---|------------------|----------------------|---|
| Councillor <i>Joanna Baker-Rogers</i> | Cabinet Member for <i>Adult Social Care and Health</i> | 16/04/25 | 28/04/25 | |
| <i>Ian Spicer, Strategic Director</i> | Strategic Director for <i>Adult Care, Housing and Public Health</i> | 29/04/25 | 02/05/25 | |
| <i>Gioia Morrison, Finance</i> | Finance and Customer Services | 16/04/25 | 23/04/25 | <p>The proposed spending is fully covered by the DATRIG grant and has been completely budgeted for. The costs of With You are expected to be stable for the duration of the 12 month contract.</p> <p>We have operated with With You for 2 years on similar contracts giving confidence in our ability to work together and reducing the risks involved in a large contract</p> |
| <i>Neil Tindall, Legal Services</i> | Legal Services | 16/04/25 | 23/04/25 | |
| <i>Trish Law, on behalf of HRPB Human Resources</i> | Assistant Chief Executive's Office | 23/04/25 | 23/04/25 | |
| <i>Lorna Byne, Procurement</i> | Finance and Customer Services | 16/04/25 | 17/04/25 | |

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|-----------------------------|------------------------------------|-----------------------------|-----------------------------|--|
| Equalities | Assistant Chief Executive's Office | 24/04/25 | Click here to enter a date. | |
| <i>Other officers below</i> | | Click here to enter a date. | Click here to enter a date. | |

| REPORT APPROVAL TRACKING | | | |
|--|---|-----------------------------|--------------------|
| Equalities Your report will not be authorised for submission to Cabinet by your Strategic Director if you have not undertaken and included an initial equalities screening. All equalities analysis documents should be sent to Equality@rotherham.gov.uk for feedback prior to being included as appendices. | Initial Screening completed and included with report | YES (delete as appropriate) | 28/04/2025 |
| | Full Assessment completed and included with report | NO (delete as appropriate) | Insert date agreed |
| Carbon Impact Assessments Carbon Impact Assessments are to be appended to the associated cabinet reports. Carbon Impact Assessments should be sent to climate@rotherham.gov.uk for feedback prior to your report being sent to your Strategic Director for approval. | Carbon Impact Assessment completed and included with report. | YES | 17/03/2025 |
| Background information MANDATORY: Insert headings for a few main public documents you have used or referenced to write this report. This is a legal requirement. For Cabinet reports, insert hyperlinks . Do not list private documents. | Policy doc ABC Govt advice DEF Cabinet report GHI | | |
| Appendices If appendices are essential to the understanding of the report, list titles here. Ensure that appendices have proper titles. List any appendices relevant to the decision being taken first with the Equality Analysis documents coming next and the Carbon Impact Assessment being listed as the last Appendix for all reports. | Appendix A – Equality Screening Assessment Appendix B – Part B Equality Analysis Form Appendix C – Carbon Impact Form | | |
| Cabinet Member Approval You should retain an email confirming the Cabinet Member approval for your records. Strategic Directors should not authorise reports unless Cabinet Members have given sign off | YES | 28/04/25 | |
| Report Authorised by Strategic Director | YES/NO (delete as appropriate) | Click here to enter a date. | |
| Report Authorised for publication by Chief Executive | YES/NO (delete as appropriate) | Click here to enter a date. | |

Committee Name and Date of Committee Meeting

Delegated Officer Decision – 02 May 2025

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 Drug and Alcohol Treatment and Recovery Grant (DATRIG) 2025/26.

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

Yes

Strategic Director Approving Submission of the Report

Ian Spicer, Strategic Director of Adult Care, Housing and Public Health

Report Author(s)

Jennifer Armitage, Operational Commissioner (Public Health)

jennifer.armitage@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

This report outlines the decision 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 continuation of services and additional activities required in the utilisation of the Drug and Alcohol Treatment and Recovery Grant (DATRIG) 2025/26. The Work Order delivery period commenced 1st of April 2025 and will expire 31st March 2026.

Recommendations

1. To award a Call Off arrangement referenced as a Work Order 008 for £1,386,994 to We Are With You (WY) via the Non-core Framework Agreement, to deliver the additional activities required in the utilisation of the Drug and Alcohol Treatment and Recovery Grant (DATRIG) 2025/26 following the approval of the Procurement Business Case.

List of Appendices Included

Appendix A – Equality Screening Assessment

Appendix B – Part B Equality Analysis Form
Appendix C – Carbon Impact Form

Background Papers

[Cabinet paper 17 March 2025](#)

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

No

Insert report title hereError! Reference source not found.

1. Background

- 1.1 We are With You were awarded the drug and alcohol treatment service from 1st April 2023 following a competitive tender process, operating under the service name Rotherham Alcohol and Drug Service (ROADS).
- 1.2 The Local Authority is responsible for the commissioning of alcohol and drugs services for the Rotherham Borough as described in the 2012 Health and Social Care Act¹. The service contributes to a wide range of Public Health outcomes including increasing the number of drug and alcohol treatment episode completions, reducing drug related deaths, reducing reoffending, and reducing homelessness.
- 1.3 **Drug and Alcohol Treatment and Recovery Grants**
In July 2022 Cabinet received a report 'Public Health Proposals for Drugs and Alcohol Grant 2022-2025' outlining the availability of 2 grants being made available to Rotherham by the Office for Health Improvement and Disparities (OHID) - part of the Department of Health and Social Care - to support the drug and alcohol treatment and recovery agenda, and recommendations on how they could be utilised. These grants are: The Supplemental Substance Misuse Recovery and Treatment Grant (SSMTRG) and the Inpatient Detoxification (IPD) Grant.
- 1.4 For the 2025/26 continuation of this funding, OHID have amalgamated several grants into a single Drug and Alcohol Treatment and Recovery Improvement Grant (DATRIG). The grants that will be consolidated which are received by Rotherham are SSMTRG and the IPD grant,
- Rotherham's allocation for the DATRIG has been confirmed as £2,242,263, which is the same as the combined amount received through the SSMTRG and IPD with no uplift for inflation.
- 1.5 Whilst the DATRIG is made as part of a 10-year national strategy, this is a one-year allocation and there is currently no certainty of funding beyond 2025/26.
- 1.6 [Cabinet, Monday 17 March 2025](#) received an update on the Confirmation of Supplementary Public Health Grants for 2025/26.
- 1.7 Cabinet approved the delegation to Director of Public Health, in consultation with the lead member for Adult Care and Public Health, for spend against the Drug and Alcohol Treatment and Recovery Improvement Grant (DATRIG) in line with grant conditions.

2. Key Issues

¹ [Health and Social Care Act 2012: fact sheets - GOV.UK \(www.gov.uk\)](#)

2.1 Whilst the DATRIG is made as part of a 10-year national strategy, this is a one-year allocation and there is currently no certainty of funding beyond 2025/26.

3. Options considered and recommended proposal

3.1 Options have been considered as part of the Procurement Business Case and the decision taken to progress with the award of a call off contract (work order) via the Councils existing Non-Core Framework.

4. Consultation on proposal

4.1 The 25/26 DATRIG Plan has been developed in consultation with the Rotherham Combatting Drugs Partnership (CDP) and is subject to an approval process from OHID which has been agreed.

4.2 The Cabinet Member for Adult Care, Housing and Public Health has is aware of the Officer Decision.

5. Timetable and Accountability for Implementing this Decision

5.1 The DATRIG is a continuation of services from the previous year. Contract meetings continue with the provider to ensure that the services described in the grant are received and the funding is spent in line with the terms of the grant.

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 cost of the contract will be £1,386,994 and this will be fully funded from the one year DATRIG grant.

The Council awarded a Core Contract and Non-Core Framework 1st October 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 five years at the discretion of the Council.

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:-

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.

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.

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

- 7.1 We Are With You (the “**Provider**”) was selected by the Council, following what is assumed to be a compliant public procurement competitive exercise, to be awarded a Core Services Agreement for the delivery of those core alcohol and drug services which are required to be commissioned by the Council under the Health and Social Care Act 2012 to offer an alcohol and drug service concerning substance misuse to the public in the Council’s administrative area.
- 7.2 As part of such public procurement exercise, the Provider offered to become the sole provider for a parallel requirement to the core services for the provision of other (non-core) alcohol and drug services. The Council has entered into a framework agreement dated 1 April 2023 for the delivery by the Provider of these additional non-core services on a call-off order basis. The Provider has no exclusivity or guaranteed volume of activity. This Non-Core Framework Agreement has not itself been subject to separate competition but is considered complementary to the Core Services Agreement and permits the Council to award Work Orders to the Provider for Services from time to time. A Call-Off Contract awarded following the issue of a Work Order is a standalone contract (so if the Non-Core Framework Agreement is terminated then the Call-Off Contract continues under its own terms and conditions) whose award is as permitted by regulations 18 and 29 of the Health Care Services (Provider Selection Regime) Regulations 2023 (SI 2023/1348). A Work Order signed by both the Council and the Provider is necessary for the Call-Off Contract to be legally binding. The tabled draft Work Order is to be completed as a simple contract rather than as a deed.
- 7.3 These legal implications are not validating the original public procurement exercise or the content of either the Core Services Agreement or the Non-Core Framework Agreement. The Council team, and the Provider, must

comply with the terms and conditions of the Non-Core Framework Agreement.

- 7.4 In addition, the Council team needs to obtain such internal governance approvals as are required to issue and then have Council authorised signatory, or signatories, progress the Work Order to completion, including making any agreed amendments with the Provider, for the simple contract Work Order valued at £1,386,994 for non-core services (of the total £2,242,263 funded by the DATRIG) to apply from 1 April 2025 to 31 March 2026.
- 7.5 The Council team must adopt the prescribed template form of the Work Order leading to completion of the corresponding Call-Off Contract, as may be amended for justifiable project/matter-specific reasons. This includes making any amendments to the General Framework Specification which are permitted in scale and value by the prevailing public procurement regime under the Procurement Act 2023 (although the Call-Off Contract scope is expected to sit within the scope of the General Framework Specification). The Provider Response to the Work Order is to be included in the Call-Off Contract but will be subservient to the content of the Work Order specification in case of error, ambiguity or inconsistency.
- 7.6 The Council team must also comply with any conditions imposed by the DATRIG concerning contract management and reporting as well as tracking the Provider's obligations under the Call-Off Contract created through the Work Order. This includes monitoring Provider performance against the key performance indicators (KPIs) numbered KPI1 to KPI14 as referred to in the Work Order.

8. Human Resources Advice and Implications

- 8.1 The funding is to continue posts in the With You service and as such there are no HR implications for the Council arising from this decision.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 As described in the Cabinet paper these services support these groups and the funding is to allow for services to continue.

10. Equalities and Human Rights Advice and Implications

- 10.1 An equality assessment and needs assessment has been carried out as part of the original procurement process and outlines the actions which will be taken within this service to ensure that equality is a key consideration and is monitored appropriately.
- 10.2 This is a universal service 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 recommissioned service will aim to address

inequality in health as a general principle, and to prioritise certain target groups.

- 10.3 The specification for the Service sets out the above requirements to 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 A Carbon Impact Assessment form was completed during the original tender process and highlighted no issues.
- 11.2 All bidders were required to describe the outcomes that the bidder will deliver to support the Council Plan which included a commitment to the theme: A cleaner, greener local environment.

12. Implications for Partners

- 12.1. The key partner organisations are represented on the Combatting Drugs Partnership and the DATRIG Operational Group, who were consulted regarding the proposals for the spend of this grant.

13. Risks and Mitigation

- 13.1 The DATRIG funds a number of enhancements to the core treatment and recovery service, there is currently only one year of allocated funding. Should this end the impact on the service offer would be significant .
- 13.2 With You has a number of staff on fixed term contracts as a result of the short term funding arrangements although some of these will have now gained permanent status increasing risk for With You.

14. Accountable Officers

Ian Spicer - Strategic Director of Adult Care, Housing and Public Health

Approvals obtained on behalf of Statutory Officers: -

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

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