



## CABINET – 25<sup>TH</sup> OCTOBER 2022

### EXCEPTION TO CONTRACT PROCEDURE RULES - URGENT ACTION TAKEN BY THE CHIEF EXECUTIVE TO APPOINT A SUPPLIER TO PROVIDE ENHANCED SUBSTANCE MISUSE PROJECTS IN LINE WITH THE SUPPLEMENTARY SUBSTANCE MISUSE TREATMENT AND RECOVERY GRANT

#### REPORT OF THE DIRECTOR OF PUBLIC HEALTH

##### PART A

##### Purpose of the Report

1. The purpose of this report is to advise the Cabinet of urgent action taken by the Chief Executive to agree an exception to the Council's Contract Procedure Rules to enable the direct appointment of Falcon Support Services to carry out two identified projects within the area of substance misuse, in accordance with the Supplementary Substance Misuse Treatment and Recovery (SSMTR) grant made available by the Office for Health Improvement and Disparities (OHID).
2. The contract award will enable a review of inequalities in accessing substance misuse services with recommendations for change, and to enhance opportunities for employment for those leaving treatment services, to support their recovery journey.

##### Recommendation

3. It is recommended that the Cabinet notes the urgent action taken by the Chief Executive to agree an exception to the Contract Procedure Rules to enable the appointment of Falcon Support Services to carry out the projects funded through the Supplementary Substance Misuse Treatment and Recovery grant provided by the Office for Health Improvement and Disparities for up to 3 years.

##### Reasons for Recommendation

4. The Council's Constitution (Contract Procedure Rule 6 (b)(ii)) provides that exceptions to the Contract Procedure Rules may be made by the Cabinet where it is satisfied that an exception is justified on its merits and that in urgent cases the Chief Executive (after consultation with the Leader or Deputy Leader save where this is not practicable) may direct that an exception be made subject to it being reported to the Cabinet.

5. The direct award of contracts to Falcon Support Services was required to enable the projects to progress in line with the grant conditions and for Leicestershire to benefit from the additional funding.

### **Timetable for Decisions (including Scrutiny)**

6. The Chief Executive agreed the exception on 14 September 2022 in order for the necessary documentation to be submitted to the provider to allow implementation of both projects following securing the funding from OHID.

### **Policy Framework and Previous Decisions**

7. The exception to the Contract Procedure Rules follows the Council's Constitution (Contract Procedure Rule 6 (b) (ii)).

### **Resource Implications**

8. There are no resource implications arising from the recommendation in this report as both contracts are grant funded. There are set amounts of spending on the contracts with a set time period. The OHID has awarded £2,000,000 in total over a 3-year period to the County Council with £328,445 assigned to the delivery of the projects outlined within this report.
9. The grant funding is being used to complement existing provision. This means there are minimal set up and implementation costs.
10. The value of each of the two contracts are below the relevant procurement threshold as they are classed as "Light Touch Regime" services under the Public Contract Regulations 2015.
11. The Director of Corporate Resources and the Director of Law and Governance have been consulted on the content of this report.

### **Circulation under the Local Issues Alert Procedure**

12. None.

### **Officers to Contact**

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## **PART B**

### **Background**

13. The OHID announced the availability and maximum allocation of the SSMTR grant for substance misuse treatment and recovery services on 13<sup>th</sup> April 2022. The funding was made available to all upper tier and unitary local authorities subject to successful bid submission.
14. The grant will enhance existing service provision by increasing access and improving care pathways for cohorts at most risk of harm from substance misuse as well as increasing the recovery network and reducing the risk of relapse.
15. In Leicestershire, the substance misuse treatment and recovery service is provided by Turning Point with several third-party contracts in place, including with Falcon Support Services.
16. Due to the tight deadline to compile the grant application and with the intention that the funding would support existing service provision, it was necessary to request the Chief Executive to take urgent action to agree the exception to Contract Procedure Rules to make a direct award to Falcon Support Services in order to secure the funding. Alternative procurement routes were deemed unviable given the timescales, and the detailed information required within the grant application which included naming service providers that would deliver each element of provision.
17. The OHID confirmed the total award of £2,000,000 (over a 3-year period) on 20<sup>th</sup> June 2022 with £328,445 assigned for the delivery of two specific projects to be delivered by Falcon Support Services, with a view to service delivery commencing as soon as possible.
18. The first project is a research project exploring barriers to accessing substance misuse treatment services and making recommendations for change. The second project focuses on enhancing employment opportunities for those leaving treatment services to enhance recovery, build resilience and reduce the risk of relapse.
19. It is intended that the OHID and the Council will oversee delivery of the services provided under the grant funding.

### **Alternative Options**

20. Alternative procurement routes were deemed unviable given the timescales, and the detailed information required within the bid which included naming service providers that would deliver each element of provision.
21. By not submitting a bid and by not naming the service providers delivering each service, Leicestershire would not have benefitted from the additional funding.

**Equality and Human Rights Implications**

22. Awarding the contract allows for additional support for service users at most risk of harm from substance misuse.

**Background Papers**

None.