

<b>SHADOW EXECUTIVE</b>
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<b>17 MARCH 2009</b>
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<b>SUBJECT</b>	<b>IMPLEMENTATION OF A SINGLE INTENSIVE DRUG INTERVENTION PROGRAMME AND DRUG TESTING ON ARREST IN BEDFORD AND DUNSTABLE WITH LUTON FROM 1 APRIL 2009</b> (To agree the required action to ensure that a single Drug Intervention Programme Scheme covering the local authority areas of Bedford, Central Bedfordshire and Luton is implemented on 1 <sup>st</sup> April 2009.)
<b>REPORT OF</b>	<b>Director of Sustainable Communities</b>
<i>Contact Officer: Jane Moakes Tel: 0845 849 6336</i>	

### IMPLICATIONS

<b>SUSTAINABILITY</b>	The Drug Intervention Programme supports offenders to move out of crime and into drug treatment reducing the impact of their behaviour on the local community.
<b>FINANCIAL</b>	The grant allocation from Home Office will remain at the 2008/09 level of £1,064,747 for 2009/10. There will be no additional expenditure pressures on the Central Bedfordshire budgets.
<b>LEGAL</b>	The report and actions are in compliance with Central Bedfordshire contract and procurement rules. A risk sharing agreement will be in place, signed by Bedford Borough Council, Luton Borough Council and Central Bedfordshire Council.
<b>PERSONNEL/EQUAL OPPORTUNITIES</b>	Personnel issues are the responsibility of and will be managed by the existing and new service provider. An equalities impact assessment of the contract will be undertaken.
<b>COMMUNITY DEV/SAFETY</b>	Implementation of the scheme is a community safety priority and contributes to the delivery of LAA targets NI 40 (numbers in effective drug treatment) and vital signs targets for health. It also supports delivery of NI 16 (Serious Acquisitive Crime Rate) and NI 30 (Re-offending rate of prolific and priority offenders).

<b>TRADES UNION</b>	None
<b>HUMAN RIGHTS</b>	<p>The DIP Scheme is a national initiative supported by the Home Office and the testing regime is to an accepted methodology.</p> <p>Drug Testing on Arrest has potential to infringe the rights contained within Article 8(1) – ‘<i>Right to family and private life</i>’. However, the following ‘<i>derogation</i>’ provided for under Article 8(2) apply:</p> <ul style="list-style-type: none"> <li>- In the interests of public safety</li> <li>- For the prevention of disorder or crime</li> <li>- For protecting the rights and freedoms of others</li> <li>- For the protection of health or morals</li> </ul>
<b>KEY ISSUE</b>	Yes
<b>BUDGET/POLICY FRAMEWORK</b>	No

<b>OTHER DOCUMENTS RELEVANT TO REPORT</b>
Report to Transitional Task Force Sustainable Communities 10 <sup>th</sup> November 2008. Minute and resolution from Transitional Task Force

<b>RECOMMENDATIONS:</b>
<ol style="list-style-type: none"> <li>1. That the Bedfordshire County Council contract with the service provider ending 31 March 2009 be assigned to Central Bedfordshire Council.</li> <li>2. That the assigned contract with Central Bedfordshire Council be varied and extended for a period of 12 months to enable a single Drug Intervention Programme (DIP) Scheme across Bedfordshire to be implemented.</li> <li>3. That the contract for the single Drug Intervention Programme (DIP) Scheme for Bedfordshire (including Luton) be tendered in line with EU procurement rules and Central Bedfordshire Council contract procedure and procurement rules. That the minimum 6 month period be extended to 12 months and that the new contract therefore be let from 1 April 2010.</li> </ol> <p><i>Reason for Recommendation: The actions detailed in the recommendations must be undertaken to ensure that the service can be delivered.</i></p>

## **1.0 Background**

- 1.1 The Drug Interventions Programme is a key part of the Government's strategy for tackling drugs and reducing crime. Latest information from Government shows that drug related crime has fallen by more than a quarter since the programme started and record numbers of people are being helped with their misuse.

The programme aims to get adult drug misusing offenders out of crime and into treatment and other support, 'intensive' elements operate in areas with high acquisitive crime which is the situation within Bedfordshire including Luton.

The programme aims to break the cycle of drug misuse, crime and prison. It brings together the police, the courts, the Prison Service, the National Probation Service, treatment providers, services that provide 'wraparound' support, government departments and Drug Action Teams (DATs) in an innovative way.

These partners work together to provide tailored solutions for drug misusing offenders from arrest, court sentencing and prison through to support with rehabilitation and reintegration.

- 1.2 The Transitional Task Force Sustainable Communities (TTFSC) received a report on 10<sup>th</sup> November setting out the proposal to move to a single Drug Intervention Programme (DIP) covering Bedfordshire and Luton in place of the two separate schemes currently operated by the Bedfordshire Drug Action Team (B:DAT) in Bedfordshire and the Luton Drug Action Partnership (L:DAP) in Luton. The report followed a detailed review by the Home Office that recommended this as the way forward.
- 1.3 The TTFSC resolved to support and endorse the proposal to implement an intensive DIP in Bedford, Central Bedfordshire and Luton from 1<sup>st</sup> April 2009 and recommended agreement to this by the Interim Chief Executive in consultation with the Portfolio Holder. This consultation took place, the decision taken and is being acted upon.
- 1.4 In order to progress the development and implementation of the single DIP Scheme a DIP Joint Commissioning Group (JCG) was established. This JCG has representatives from the key Community Safety Partnership and Drug Action Team Stakeholders and is supported by a Home Office/National Treatment Agency funded consultant, emphasising national level support for this work. Appendix 1 lists the representatives.

- 1.5 As indicated there are currently two Drug Intervention Programme (DIP) schemes operating in Bedfordshire and Luton. Separate contracts for these schemes are held by Bedfordshire County Council and Luton PCT.
- 1.6 The two separate contracts are with one service provider and the existing contracts will end 31<sup>st</sup> March 2009. It was anticipated that as one organisation ran both schemes there was benefit in seeking to combine the two existing schemes. This was within the overall budget grant of £1,064,747; £353,711 allocation to Bedfordshire and £711,036 to Luton respectively.
- 1.7 Detailed discussions to implement a single DIP Scheme between the lead organisations of B:DAT and L:DAP and the service provider started on the basis of combining during December and January.
- 1.8 It was agreed by the JCG that B:DAT will be the lead partnership on its behalf and provide expertise to performance manage the contracts. It was also agreed that Central Bedfordshire, as host to the B:DAT shared service will be the lead local authority and receive the Home Office grant on behalf of the JCG. Central Bedfordshire will therefore take on responsibility for the contract and financial management arrangements.
- 1.9 In developing the detailed specification and contractual arrangements for the new single scheme it became clear that Central Bedfordshire on behalf of the partner organisations is not in a position to enter into a new combined contract with the service provider from the 1<sup>st</sup> April 2009 as:
- The size of the contract is over the threshold requiring European Procurement
  - To comply with procurement rules the relevant process would extend beyond the 31<sup>st</sup> March 2009 (end date of both current contracts)
  - That the existing contractual arrangements are between BCC and Addaction and Luton PCT and Addaction.
- 1.10 Therefore, to ensure that a single scheme is, in effect, in place for 1<sup>st</sup> April 2009 the only option available is to vary and extend for a specific time period the existing contracts currently held by BCC and Luton PCT.
- 1.11 As BCC will no longer exist from the 31<sup>st</sup> March 2009 this contract will be assigned to Central Bedfordshire and the responsibility for varying and extending the previous BCC contract will fall to Central Bedfordshire. Luton PCT will be responsible for varying and extending their contract with the service provider.

- 1.12 In order to provide a single DIP Scheme across Bedfordshire and Luton, the first recommendations for the Shadow Executive are to assign, extend and vary the BCC contract with the service provider ending 31<sup>st</sup> March 2009.
- 1.13 Whilst the contracts with the service provider are extended and varied, a new single DIP scheme service contract will need to be put out to tender to comply with Central Bedfordshire Council contract procedure and procurement rules.
- 1.14 It must be noted that a single DIP Scheme can only be implemented if Luton PCT takes a similar course of action and gains appropriate Executive agreement to vary and extend their current contract with Addaction.
- 1.15 Bedford Borough Council will also need to take the necessary action to seek agreement by it's Executive to this. A similar report is due to be considered by BBC Executive.

## 2.0 **Risks**

- 2.1 The recommendations need to be agreed to mitigate the potential risk of the services ceasing to be delivered and a new single scheme and contract not being developed or implemented.
- 2.2 There is also the potential for the Home Office to withdraw their grant for a single scheme if the work is not taken forward and there is the potential for there to be no DIP Scheme and Drug Testing regime in operation throughout Bedfordshire.
- 2.3 A detailed risk register attached as Appendix 2 has been completed that sets out the specific risks associated if the contract is tendered in a period of less than 12 months.
- 2.4 As the risk register shows the risks are significant and include:
- Immediate tender disrupts service provision leading to inability of the new single DIP intensive scheme to respond to new Testing on Arrest regime
  - Offenders unable to access drug treatment leading to the likelihood of an increase in crime rates
  - Negative impact on delivery against LAA, Health and National Treatment Agency targets leading to a reduction in future funding due to performance related funding

- Service provision begins to deteriorate leading to reputational risk to both service provider and partnership commissioners on non delivery of service provision

### **3.0 Single Scheme Contract Specification and Tender Process**

3.1 As indicated earlier in the report, work on these issues have been continuing and the new specification will be agreed by the JCG prior to it forming part of the tender documents. This will be progressed in line with Central Bedfordshire contract and procurement procedures.

3.2 The proposed timetable for tender will be agreed and managed by the JCG.

### **4.0 Conclusion**

4.1 Agreement to the recommendations means that a single intensive DIP scheme will in effect be in place from 1<sup>st</sup> April 2009 through the existing provider.

Following the procurement process new arrangements will be in place with an appointed provider from 1<sup>st</sup> April 2010.

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**Background Papers:** TTF 10<sup>th</sup> November 2008

**Location of Papers:**

**File Reference:**