

HAMPSHIRE COUNTY COUNCIL

Executive Decision Record

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| Decision Maker: | Executive Member for Adult Social care |
| Date: | 16 January 2012 |
| Title: | Prison Substance Misuse Tender – HMP Winchester |
| Reference: | 3545 |
| Report From: | Director of Adult Services |

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1. The decision:

- a) That the Executive Member for Adult Social Care give approval to enter into the novated CARAT contract for the period January to March 2012.
- b) That the Executive Member for Adult Social Care give approval to enter into a Single Tender 6 month contract, in respect of the novated CARAT contract at HMP Winchester as an interim measure while the service is in transition.
- c) That the Executive Member for Adult Social Care give delegated authority to the Director of Adult Services to enter into a S75 Agreement with NHS Hampshire, subject to consultation, to enable Hampshire County Council to be the lead commissioner for health and social care substance misuse services in HMP Winchester and in the community in Hampshire. The decision should be made in consultation with the Executive Member for Adult Social Care.
- d) That the Executive Member for Adult Social Care give delegated authority to the Director of Adult Services to negotiate the terms of the proposed Section 75 Agreement and take account of any changes to contractual agreements due to legislation, government guidance, funding arrangements and legal advice.
- e) That the Executive Member for Adult Social Care give approval to go out to tender for an integrated prison substance misuse service at HMP Winchester. The contract value will be a maximum of £7,255,975 for a maximum period of four and half years (31 March 2017).

2. Reasons for the decision:

- 2.1. In line with the recommendations of the Patel report: Reducing drug-related crime and rehabilitating offenders (2010), the Government has stated that the separate contracts for substance misuse treatment and support in prisons

should be integrated into single contracts reflecting community recovery-orientated services. It is their expectation, as shown in Gateway letters 15827 (31 March 2011), 16136 (20 July 2011) and 16796 (26 October 2011), that commission should occur through the DAAT (Drug and Alcohol Action Team), which in Hampshire sits within Hampshire County Council.

- 2.2. In order for the Council to commission services which include health services, legal authority in the form of a Section 75 Agreement NHS Act 2006) is required allowing the Council to act as Lead Commissioner.
- 2.3. One of contracts, namely the Counselling, Assessment, Referral, Advice and Throughcare (CARAT) contract, ends on 31 March 2012 and it is not possible for the National Offender Management Service to further extend the contract. Nationally it has been decided that these contracts should be novated to Local Authorities prior to 31 March 2012, with the intention that the Local Authority enter into a new short term contract for this service until the integrated contracts are awarded and in place by 1 October 2012.
- 2.4. Delegated powers to the Director of Adult Services enables a timely response to changing legislation, funding arrangements or government direction due to pending legislation of the Health and Social Care Bill, demise of Primary Care Trusts and the development of Public Health England and the NHS Commissioning Board, which are together likely to have overall responsibility for substance misuse services.

3. Other options considered and rejected:

- 3.1. None.

4. Conflicts of interest:

- 4.1. Conflicts of interest declared by the decision-maker: None
- 4.2. Conflicts of interest declared by other Executive Members consulted: None

5. Dispensation granted by the Standards Committee: none.

6. Reason(s) for the matter being dealt with if urgent: not applicable.

7. Statement from the Decision Maker:

The Executive Member for Adult Social Care thanked officers for the detailed Equality Impact Assessment that had been considered before making the decision.

Approved by:

Date:

16 January 2012

**Executive Member for Adult Social Care
Councillor Felicity Hindson**