

Rough Sleeping Initiative Fund – targeted support for people who are rough sleeping and begging. Request for approval to provide funds to Barca-Leeds

Date: 21st July 2021

Report of: Head of Commissioning

Report to: Director of Communities, Housing and Environment

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

Including how it contributes to the city's and council's ambitions

- In 2018/19 an opportunity arose to fund additional intensive support work with people who are rough sleeping and/ or begging, as a result of a bid for funding the city made to the Ministry of Housing Communities and Local Government (MHCLG) for Rough Sleeping Initiative Funding, in 2019/20 and 20/21 MHCLG confirmed further funding and in each year a portion of this funding was allocated to Barca-Leeds to employ Navigators.
- MHCLG have confirmed further funding for 2021/22 in recognition of the work that Leeds is doing to tackle rough sleeping and begging. This report recommends that a portion of this funding continues to be allocated to Barca-Leeds.
- The proposal in this report directly contributes to the Best Council Plan's overarching vision of tackling poverty and reducing inequalities. It addresses the Best Council Plan's priorities of reducing health inequalities and improving the health of the poorest the fastest; minimising homelessness through a greater focus on prevention; keeping people safe from harm, protecting the most vulnerable.

Recommendations

- a) The Director of Communities, Housing and Environment is recommended to approve the allocation of £212,250 as a grant (payable in instalments) to Barca-Leeds to employ four Navigators, a trainee Navigator, and a Team Leader. Responsibility for implementation of this decision is the Integrated Commissioning Team, Adults and Health.

Why is the proposal being put forward?

1. The Government has set ambitious targets to halve rough sleeping numbers from the 2017 baseline by 2022 and to end rough sleeping by 2027. For Leeds this means reducing rough sleeping numbers to 14 by 2022.
2. An opportunity arose in 2018/19, 2019/20 and again in 2020/21 to fund additional targeted activity following receipt of funding support from the Ministry of Housing Communities and Local Government (MHCLG) via the Rough Sleeping Initiative. This funding has now been made available again in 2021/22.
3. Like many other cities, Leeds has seen an increase in the numbers of people begging. Many people who beg are vulnerable individuals, affected by their life experiences and/ or circumstances. The reasons why they beg are often very complex and can be compounded by a range of mental, physical ill health issues, and challenging behaviours all of which can be real barriers to engaging with services.
4. The Rough Sleeping Initiative funds made available for 2018/19 funded two Navigators working within Barca-Leeds to provide intensive support to service users who have been rough sleeping and/ or begging. In recognition of the work being done in Leeds, the MHCLG provided funding to continue this work in 2019/20 and 2020/21 and has again awarded funding for 2021/22. The Navigator project has expanded due to its ongoing success and in 2021/22 will now include four Navigators, one Trainee Navigator and a Team Leader to have a coordinating role as the service expands.
5. As Barca-Leeds is already delivering directly related services through the Engage Leeds contract and have the necessary infrastructure, they are considered uniquely placed and suitably experienced to do this work. Having workers placed with BARCA-LEEDS will mean that there is more capacity in the wider service to provide intensive support for people with the most chaotic lifestyles.
6. The posts will work closely with Leeds Housing Options, Forward Leeds, Street Outreach, and other relevant services and will add value to and work within pathways to current services.
7. Funding has been received to cover the period 1 April 2021 through to 31 March 2022 and it is recommended that funding is therefore allocated for this period. Funding allocated to Barca-Leeds will be £212,250 for four Navigators, 1 trainee Navigator and 1 Team Leader.
8. The Navigators will provide intensive support for people who are rough sleeping and expanding the service will allow a larger reach for the service so that more individuals are supported to find employment, undertake training, develop budgeting skills and are better equipped to maintain their accommodation to avoid returning to the street.

What impact will this proposal have?

Wards Affected: All

Have ward members been consulted?

Yes

No

9. This funding will significantly increase the capacity of Barca-Leeds to support some of the people with the most complex and vulnerable needs within Leeds. The posts will add value to and work within pathways to current services and the intensive support approach will help people who are rough sleeping to maintain accommodation, reducing returns to the street-based life and enabling integration into the community
10. An Equality, Diversity, Cohesion and Integration Screening has been completed in relation to this decision and there are no issues to be addressed

What consultation and engagement has taken place?

11. Discussion has taken place with a range of stakeholders about the bid to MHCLG and the allocation of funds received. This has included a discussion about how best to invest the funds.
12. The Executive Member for Communities was consulted in February 2021.

What are the resource implications?

13. The cost of the posts will be met by grant from the MHCLG Rough Sleeping Initiative. This grant has been injected into the Resources and Housing revenue budget.
14. The funding is for six posts including management costs and on costs. Salaries for posts funded are in line with other similar posts. Payment will be based on actual costs based on submission of financial returns and will not exceed the amount approved in this report.
15. Grant monitoring processes will be put in place by the Adults and Health Commissioning Team to ensure value for money and quality of delivery for the duration of the posts.

What are the legal implications?

16. This is a Significant Operational Decision as the overall value of this decision is less than £500,000 and as such it is not subject to call in but will be published. There are no grounds for keeping the contents of this report confidential under the Access to Information Rules.
17. As the Council would be entering into grant arrangements with Barca-Leeds, the Council will have no contractual control over enforcement of the terms. The only sanction available with grant payments is for the Council to claw-back grant monies unspent or spent on matters for which the grant wasn't provided.
18. There is a risk of challenge that a grant payment is not a grant. Legally there is some confusion about when a grant can and cannot be used as there is a fine line between a grant (which is not caught by the procurement rules) and a contract for services (which is caught by the procurement rules). Although no longer directly applicable due to the UK's departure from the European Union, the preamble to EU Procurement Directive 2014/24/EU (from which the Public Contracts Regulations 2015 were transposed into English law) is still persuasive and the directive makes it clear at paragraph (4) that "the mere financing, in particular through grants, of an activity, which is frequently linked to the obligation to reimburse the amounts received where they are not used for the purposes intended, does not usually fall within the scope of the public procurement rules".
19. As such, unconditional grants are unlikely to meet the definition of a contract set out in the Public Contracts Regulations 2015 (PCR 2015). However, where grants are used with strict qualification criteria and an obligation to pay back money if certain targets are not reached,

the position is less straightforward and it is possible that an arrangement referred to as a grant could actually meet the definition of a contract as set out in the PCR 2015. If it does, the PCR 2015 may apply. It is therefore extremely important to ensure that, if providing grants, the process followed does not fall within the definition of a “public contract” as set out in PCR 2015 which states –“contracts for pecuniary interest concluded in writing between one or more economic operators and one or more contracting authorities and having as their object the execution of works, the supply of products or the provision of services”

20. Grants may be in breach of subsidy control but it is unlikely that the grant payments proposed will fall foul of the subsidy control rules.
21. Funding from which any grant payment is made must be designated as “grant” money.
22. Awarding the grants to the named organisation in this way could leave the Council open to a potential claim from other providers, to whom this grant could be of interest, that it has not been wholly transparent. However the risk of this would appear to be low.
23. As this is a grant it is not subject to the council’s Contracts Procedure Rules or within the Public Contracts Regulations 2015 but good practice and transparency will be observed throughout.
24. There is no overriding legal obstacle preventing the award of the grant and the contents of this report should be noted. In making their final decision, the Director of Communities, Environment and Housing should be satisfied that the course of action chosen represents best value for the Council

What are the key risks and how are they being managed?

25. The grant will be allocated to the recipient listed in this report to deliver the project. As a result, should the recipient fail to deliver the project then there is a risk that Leeds City Council could have to repay the grant to MCHCLG. This will be mitigated by payment in instalments, through robust monitoring of the project by Adults and Health Commissioning Team and through ongoing updates and communication with MHCLG.
26. A risk plan will be produced for the Leeds Street Support Team. This will be reviewed and updated on a regular basis.
27. Risk management is built into the work of Barca-Leeds and the organisation has the experience and skills to manage risks of working with this vulnerable client group.

Does this proposal support the council’s 3 Key Pillars?

Inclusive Growth Health and Wellbeing Climate Emergency

28. The proposal directly contributes to the Best Council Plan’s overarching vision of tackling poverty and reducing inequalities. It addresses the Best Council Plan’s priorities of reducing health inequalities and improving the health of the poorest the fastest; minimising homelessness through a greater focus on prevention; keeping people safe from harm, protecting the most vulnerable.

Options, timescales and measuring success

a) What other options were considered?

29. Rough Sleeping Initiative funding is available to provide opportunities for people sleeping rough, and those at risk, to receive support to address their wider needs through prevention,

street-based response housing support and specialist support; with a focus on the response to individual need should be optimised by improved join up of services. The alternative was to not accept the allocated funding from MHCLG which was not considered an appropriate option.

b) How will success be measured?

30. Monitoring processes will be put in place by the Adults and Health commissioning team to ensure value for money and quality of delivery for the duration of the project. Progress on activity will be reported to the Street Support Partnership. In addition, the Council will provide MHCLG with overarching performance information on numbers of people rough sleeping.

c) What is the timetable for implementation?

31. Four Navigator posts are already in place and will be extended; the new roles will be recruited as soon as possible. All roles will run until at least 31st March 2022.

Appendices

32. Equality, Diversity, Cohesion and Integration Screening report.

Background papers

33. None.