

Adults and Health Third Sector Grants Schedule 2023/2024

Date: 8th March 2023

Report of: Head of Commissioning

Report to: Interim Director of Adults and Health

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

- The report seeks the approval of the third sector grant payments for the financial year 2023/2024.
- Services provided by the third sector as part of the grant payments will contribute to the delivery of key outcomes within the Best Council Plan, specifically to improve the quality of life for our residents, particularly those who are vulnerable or are in poverty and will make a contribution to the Leeds Health and Well-Being Strategy and its priority to make Leeds the best city for health and well-being.
- All grant payments detailed in Appendix 1 are included within the Adults and Health budget for 2023/2024. The maximum total amount of the grants payable during 2023/2024 is £415,900.90.

Recommendations

- a) The Director of Adults and Health is recommended to approve the payment of the third sector grants to the maximum amounts detailed in Appendix 1 for the financial year 2023/2024.
- b) The Commissioning Programme leader for Adults and Health will implement this decision directly after it has been taken by issuing letters to the relevant organisation informing them that their grant has been extended for a further year.

What is this report about?

- 1 The report seeks the approval from the Interim Director of Adults and health of the third sector grant payments for the financial year 2023/2024.

What impact will this proposal have?

- 2 All the grants from the directorate mentioned in Appendix 1 are currently provided to the third sector on an annual basis. The directorate currently has an ongoing review process taking place, which is assessing the relevance of each grant against Adults and Health strategic aims, value for money and whether or not grant funding is the most appropriate method of funding a particular service.
- 3 The annual grants schedule showing the organisations and their respective maximum funding amounts is shown in Appendix 1.
- 4 There has been no uplift on any of the grants listed in the Appendix since the financial year 2011\12. Given the significant financial pressures during the coming financial year, there will be no inflation increase on any of the grant payments listed in Appendix 1 made to the third sector during 2023/2024.
- 5 Adults and Health will continue to review the grants listed in this report, along with its partner agency commissioners, during the financial year 2023/2024 to ensure that the payments being made are strategically relevant, that performance of the organisations is monitored and demonstrated to be effective and that the Council is achieving best value for money.
- 6 All organisations receiving grant payments this financial year will be subject to a relevant and proportionate monitoring process. Once the grants have been agreed, commissioning officers will work with Procurement and Commercial Service to ensure that grant agreements are in place and organisations are informed that a review process will take place during the financial year which could have implications for their funding.
- 7 An Equality Impact Assessment Screening Tool has been completed for this report and is included as Appendix 2. Where any service has been decommissioned or contracts put in place following a review, a separate Equality Impact Assessment will have been undertaken for that particular service.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing Inclusive Growth Zero Carbon

- 8 This proposal supports the ambitions of the Better Lives Strategy, the Council's strategy for people with care and support needs, which will contribute to help the Council deliver the 5 outcomes of the Leeds Health and Wellbeing Strategy 2023 to 2030.

What consultation and engagement has taken place?

Wards affected:

Have ward members been consulted?

Yes

No

- 9 The report has been discussed with the Executive Member for Adult and Children's Social Care and Health Partnerships prior to the decision being taken.

What are the resource implications?

- 10 All grant payments detailed in Appendix 1 are included within the Adults and Health budget for 2023/2024. The maximum total amount of the grants payable during 2023/2024 is £415,900.90.

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

- 11 Once the decision has been taken, Adults and Health will inform the organisations receiving payment of the amount of the grant for the forthcoming year and the fact that no inflation will be paid. Should any issues arise with an organisation concerning the amount of the grant payable, commissioning officers will work with that organisation to ensure the service can remain sustainable at the level of grant given.
- 12 There are no other significant risks identified in making the decision recommended by this report.

What are the legal implications?

- 13 As the Council would be entering into grant arrangements with the named organisations, 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. However, this is balanced by the opportunity for creative approaches to be developed making use of the flexibility of the grant; and for added value to be obtained.
- 14 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".
- 15 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 set out in the PCR 2015 and, 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".

- 16 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.
- 17 Funding from which any grant payment is made must be designated as “grant” money. If the Council wish to make a grant, the money must be in the “grant” block. If it is not, it can normally be moved from other blocks in the Council budget into the grant block.
- 18 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.
- 19 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.
- 20 There is no overriding legal obstacle preventing the award of the grants and the contents of this report should be noted. In making their final decision, the Director of Adults and Health should be satisfied that the course of action chosen represents best value for the Council.

Options, timescales and measuring success

What other options were considered?

- 21 No alternative options have been considered as part of this proposal.

How will success be measured?

- 22 The annual grant schedule continues to be reviewed, to ensure that the payments being made are strategically relevant, that performance of the organisations is monitored and demonstrated to be effective and that the Council is achieving best value for money.

What is the timetable and who will be responsible for implementation?

- 23 The Commissioning Programme Leader for the relevant grant will implement this decision directly after it has been taken by issuing relevant letters to the organisations informing them that their grant has been extended for a further year.

Appendices

- Appendix 1 – Schedule of Grant Payments 2023/2024
- Appendix 2 - Equality Impact Assessment Screening Tool

Background papers

- None.

APPENDIX 1 – Schedule of Grant Payments 2023/2024

SUMMARY GRANT FEES

	2022/2023	2023/2024
Older People	£77,787.77	£76,021.10
Other Adults	£53,185.00	£53,185.00
Physical Impairment	£32,525.00	£32,525.00
Learning Disability	£215,880.80	£207,169.80
LD Day Service Transformation	£47,000.00	£47,000.00
TOTAL	£426,378.57	£415,900.90

OLDER PEOPLE			Comments
Organisation	Funding 2022/23	Funding 2023/24	
Hamwattan	£27,062.10	£27,062.10	
Al Khidmat Centre	£10,800.00	£10,800.00	
Age UK Leeds	£39,925.67	£38,159.00	Agreed savings applied for 2023/24
TOTALS	£77,787.77	£76,021.10	

Other Adult Services			Comments
Organisation	Funding 2022/23	Funding 2023/24	
LIP - Leeds Involved Project	£46,665.00	£46,665.00	Includes £5k funding for Leeds DEAFForum
Prince Philip PHAB Club	£6,520.00	£6,520.00	
TOTALS	£53,185.00	£53,185.00	

Physical Impairment			Comments
Organisation	Funding 2022/23	Funding 2023/24	
William Merritt Centre	£32,525.00	£32,525.00	
TOTALS	£32,525.00	£32,525.00	

Learning Disability			Comments
Organisation	Funding	Funding	
	2022/23	2023/24	
Leeds Advocacy	£64,601.86	£64,601.86	
Connect in the North	£68,828.94	£68,828.94	
Leeds People First	£8,711.00	£0	Now incorporated in other contracts
Meanwood Valley Urban Farm	£67,739.00	£67,739.00	
Better Action for Families	£6,000.00	£6,000.00	
TOTALS	£215,880.80	£207,169.80	

Learning Disability Day Service Transformation Grants			Comments
Organisation	Funding	Funding	
	2022/23	2023/24	
SLATE	£37,000.00	£37,000.00	
Better Action for Families	£10,000.00	£10,000.00	
TOTALS	£47,000.00	£47,000.00	