

## The Enhance Programme

Date: 29<sup>th</sup> March 2022

Report of: Chief Officer – Resources

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

This report seeks approval to continue the Enhance Programme, a grant funding initiative administrated by Leeds Older People's Forum, for the provision of third sector services to link with the NHS Neighbourhood Teams and support people to regain independence following hospital discharge. The £898,000 grant fund is being provided by Leeds NHS Community Healthcare Trust (LCHT) (£800,000) and Leeds City Council using the Department of Communities and Local Government (DCLG) Clinically Vulnerable funding grant (£98,000).

### Recommendations

- a) That Leeds City Council extend the existing NHS Act Section 256 agreement for 12 months from 1<sup>st</sup> April 23 to the transfer the £800,000 funding from Leeds Community Healthcare Trust to Leeds City Council
- b) That Leeds City Council contributes of £98,000 to the Enhance programme using funding received through the Health Partnerships Team from the Department of Communities and Local Government for "Clinically Extremely Vulnerable Support" as part of the Covid-19 response.
- c) That Leeds City Council directly awards a grant agreement of £898,000 to Leeds Older People's Forum who will administrate and distribute the funding to third sector organisations who currently deliver the Enhance Programme. The grant agreement will commence from 1<sup>st</sup> April 2023 for 12 months with an option to extend for a further 2 x 12 months subject to funding still being available. (Overall value should the extension be taken £2,694,000).
- d) Officers from Adults & Health Integrated Commissioning Team will work with colleagues from Procurement & Commercial Services to implement the decision.

## What is this report about?

- 1 The purpose of this report is to provide the background to the award of a grant agreement to Leeds Older People's Forum (LOPF) for £898,000 to continue the Enhance Programme for 12 months from 1<sup>st</sup> April 2023 with an option to extend for a further 2 x 12 months subject to funding still being available. The aim of this third sector grant programme is to achieve better health and wellbeing outcomes for people who are being supported by the Leeds Community Healthcare NST Trust (LCHT) Neighbourhood Teams.

## What impact will this proposal have?

- 2 The Enhance Programme has been in operation since April 2022 and provides grant funding to 14 delivery partners operating across Leeds to achieve better outcomes for older people with complex needs who are receiving LCHT community healthcare services and being discharged from hospital. The delivery partners have worked with 404 Enhance participants in the first three quarters of 2022/23, and the referral pathways are established. Key outcomes achieved so far, frequently relate to a reduction in social isolation with delivery partners supporting participants to access community groups and activities, which has led to a reduction in contact with health services (including ambulance and 111 calls).
- 3 The Enhance Programme objectives are:
  - To establish ways to work more closely with the multi-disciplinary teams in neighbourhoods.
  - To support people to retain their independence and improve their confidence after a period of ill-health thereby improving their well-being.
  - To support people within their homes to develop coping strategies and self-care management alongside improved social connections to prevent unnecessary admission, or readmission, to hospital.
  - To provide person-centred support to people which complements existing services.
- 4 In 2023/24, LOPF will continue to work with the existing delivery partners to develop a more consistent support offer across the city, whilst shaping the projects to ensure they meet the local population needs based on the understanding of the delivery partner.

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

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 5 People's quality of life will be improved by access to quality support services.

## What consultation and engagement has taken place?

Wards affected: All wards

Have ward members been consulted?

Yes

No

- 6 The Enhance programme has been operating since April 2022, with a steering group in place to provide oversight and discuss proposals for 2023/24. The steering group has representatives from the council, LOPF, LCHT, Leeds ICB and the third sector providers.

## What are the resource implications?

- 7 LCHT have identified a non-recurrent £800,000 for the Enhance Programme. An additional £98,000 has been identified for the programme through the Health Partnerships Team from the

Department of Communities and Local Government for “Clinically Extremely Vulnerable Support” as part of the Covid-19 response.

- 8 The council will award a grant agreement for £898,000 to LOPF, who are administering the grant programme (including the monitoring process).
- 9 It should be noted that LCHT have provided funding directly to LOPF for the administration of the Enhance Programme. This arrangement is between those two parties and does not involve the council. This means that 100% of the £898,000 passed by the council to LOPF will be invested in third sector organisations and none of it will be retained by LOPF.

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

- 10 Risk 1: The programme fund does not continue to deliver high quality innovative third sector projects that achieve the programme outcomes. Mitigation: LOPF will distribute the fund to existing delivery partners based on updated grant requirements, and the delivery partners will provide regular updates on activity, spend and impact to LOPF and the project’s steering group.
- 11 Risk 2: Successful third sector projects are delayed due to recruitment delays and causes slippages into 2024/25. Mitigation: LOPH will distribute the fund to existing delivery partners who have fully recruited staff teams.
- 12 Risk 3: The funding is non-recurrent and longer-term funding for successful projects is not identified. Mitigation: work with system partners during 2023/24 to identify new funding sources and whether funding can be continued for 2024/25 onwards. Ensure participating third sector organisations get any support required to identify alternative funding opportunities. Ensure the Enhance Programme works with successful third sector organisations on their exit strategies.

### **What are the legal implications?**

- 13 This is a key decision, and is subject to call-in, as the value of the contract is greater than £500,000. Future decisions arising from this report, for example the decision to award the contract, will also be treated as a consequence of that key decision and will therefore be significant operational decisions at most. There are no grounds for keeping the contents of this report confidential under the Access to Information Rules.
- 14 The transfer of funding from LCHT to the council is formalised through an extension to the existing NHS Act Section 256 agreement that will protect all parties involved.
- 15 As the council would be entering into a grant arrangement with LOPF who will administer the bidding and monitoring of the enhance programme grant 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.
- 16 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 to the UKs 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”.

- 17 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”
- 18 It is unlikely that the grant payments proposed will fall foul of the subsidy control rules.
- 19 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.
- 20 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.
- 21 If approval is granted to proceed with the request, the Head of Commissioning will work with Procurement and Commercial Services to formulate a grant agreement that will protect all parties involved.

## **Options, timescales and measuring success**

### **What other options were considered?**

- 22 The only other option is not to invest £800,000 funding from LCHT into the Leeds third sector, meaning people being discharged from hospital or the NHS Neighbourhood teams are without appropriate support.

### **How will success be measured?**

- 23 The specification for the Enhance Programme sets out the success measures for each delivery partner to achieve. This includes establishing how well each delivery partner works with the NHS Neighbourhood teams to achieve the outcomes identified by patients/service users.
- 24 LOPH have established a steering group, which provides oversight of the Enhance Programme

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

- 25 The Enhance Programme will be administered by LOPF for a further 12 months from 1<sup>st</sup> April 2023.

## **Appendices**

- None

## **Background papers**

- None