

HEALTH AND WELLBEING BOARD

17 June 2014

Title:	Waiver of Contract Rules: Public Health Chlamydia Testing Contract Extension
Report of the Director of Public Health	
Open Report	For Decision
Wards Affected: ALL	Key Decision: YES
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Sponsor: Matthew Cole, Director of Public Health LBBD	
Summary: A report was presented to the Health and Wellbeing Board on 11 February 2014 asking for eight public health contracts to be extended. (Minute 96, 11 February 2014 refers) This report asks for the Board to extend one contract for a further six months to end 30 September 2015 with break clauses at six and twelve months.	
Recommendation(s) The Health and Wellbeing Board is recommended to agree: The Board is recommended to: <ol style="list-style-type: none">1. Agree to the extension of the Chlamydia Testing Contract for a further six months by a Waiver under Contract Rules 6.6.8, to permit the extension of the Chlamydia Testing contract with the current provider, Terrence Higgins Trust, for an additional six months to 30 September 2015, with a break clause at six and twelve months.2. Authorise the Corporate Director of Adult and Community Services, on the advice of the Director of Public Health, and in consultation with the Head of Legal and Democratic Services to extend the contract with Terrence Higgins Trust.	
Reason(s) The Health and Social Care Act 2012 directs local authorities to commission appropriate access to sexual health services (ie. comprehensive sexual health services including testing and treatment for sexually transmitted infections, contraception outside of the GP contract and sexual health promotion and disease prevention). To support universal and consistent provision of contraception there have been long standing legislative requirements to ensure access to, and free supply of, contraception. The NHS Act 2006 makes the following provisions (contraception and Sexually Transmitted Infections (STI's)	

are dealt with separately):

“The Secretary of State for Health must arrange, to such extent as he considers necessary to meet all reasonable requirements, for:

- (a) the giving of advice on contraception,
- (b) the medical examination of persons seeking advice on contraception,
- (c) the treatment of such persons, and
- (d) the supply of contraceptive substances and appliances”.

The Secretary of State has delegated this power in order for it to be properly enacted. The Regulations outlined in the Health and Social Care Act 2012 state that most functions must be exercised on behalf of those registered with a local GP, however some functions including the services which the Secretary of State has a duty to provide relating to contraception must be for the benefit of “all persons present in the area” i.e. must be open-access and not limited to the residents of the local authority.

1. Background and Introduction

1.1 A report was presented to the Health and Wellbeing Board on 11 February 2014 (Minute 96 refers) asking for eight public health contracts to be extended.

1.2 This report asks for the Board to extend one of those eight contracts (listed in table 1) for a further six months to end 30 September 2015 (total extension 18 months from April 2014). The extension will allow for:

- Chlamydia testing to be included in the Integrated Sexual Health tender
- An understanding of the sexual health services market place that operates on a tariff basis which varies across London.
- A more in depth analysis of the budget as the 2013/2014 contract was based on outturn figures provided by the PCT for the period April 2010 to March 2011.
- The procurement process to be carried out in collaboration with the London boroughs of Havering and Redbridge. Havering leads on the procurement process.

Table 1: Public Health Contracts requiring extension

Contract	Service provider	Previously approved end date	Revised end date
Chlamydia testing	Terrence Higgins Trust	April 2015	30 September 2015

2. Consultation

Consultation with partners and providers has taken place and a regular dialogue is ongoing. A paper detailing the Integrated Sexual Health (including Chlamydia testing) procurement is going to the Procurement Board on the 16th June.

3. Mandatory Implications

3.1 Joint Strategic Needs Assessment (JSNA)

The JSNA has highlighted sexual health (especially HIV and teenage pregnancy) as areas in need of improvement. In view of the measures in the Public Health Outcomes Framework it would be inadvisable to leave the borough with no provision, albeit temporary.

3.2 Health and Wellbeing Strategy

The Health and Wellbeing Strategy highlights the importance and actions required to improve sexual health. This extension is in line with the outcomes and priorities of the joint Health and Wellbeing Strategy. The future procurement should further enhance the quality and access of services as well as user and patient experiences.

3.3 Integration

One of the outcomes we want to achieve for our Joint Health and Wellbeing Strategy is to improve health and wellbeing outcomes through integrated services. The extensions allow for effective integration of services and partnership working.

3.4 Financial Implications

This report requests extensions to a public health contract by a further six months to September 2015 for the reasons set out in the report. The annual value for Chlamydia testing is £300,000, to be funded from the Public Health budget.

Completed by Roger Hampson (Group Manager – Finance, Adult & Community Services).

3.5 Legal Implications

3.5.1 As an amendment to the report which was presented to the Health and Wellbeing Board (the "HWB") on 11 February 2014, the Board is being asked to authorise the extension of the above contract for a period of 18 months from April 2014 until September 2015. This report advises that the existing contract received authority for an extension of 1 year until 31 March 2015.

3.5.2 It is noted that this extension is requested so that the existing contract expires at the same time as the Integrated Sexual Health Services Contract delivered by Barking, Havering and Redbridge NHS University Hospitals Trust (BHRUT) when the intention is to procure one contract to deliver a fully integrated sexual health service.

3.5.3 Rule 54.1.4 of the Council's Contract Rules states that extensions can only be made where an exemption request (waiver) is made where no specific provision exists in the contract.

- 3.5.4 It is anticipated that extending the contract for an extra 6 months will bring the total spend for the extension to approximately £450,000. In accordance with rule 54.4 of the Council's Contract Rules, the HWB can indicate whether it is content for the contract to be extended for a total of 18 months.

Completed by Daniel Toohey (Principal Corporate Solicitor, Legal and Democratic Services)

3.6 Risk Management

The contract listed in Table 1 is important to the continuing health of the residents of the London Borough of Barking and Dagenham. The provision of Chlamydia testing by the Council, as Integrated Sexual Health services, is a mandated service which must be provided and not having these contracts in place would put the health of the population at risk.

4. Background Papers

- [Barking and Dagenham's Community Strategy 2013-1016](#)
- [Joint Strategic Needs Assessment](#)
- [Joint Health and Wellbeing Strategy](#)
- Public Health Commissioning Priorities 2014/15