

HEALTH AND WELLBEING BOARD

26 January 2016

This report is submitted under Agenda Item 14. The Chair will be asked to decide if it can be considered at the meeting under the provisions of Section 100B(4)(b) of the Local Government Act 1972 as a matter of urgency in order not to delay the delivery of the service.

Title: Contract - Waiver for Healthy Child 5-19 Programme (School Nursing and National Child Measurement Programme)	
Report of the: Cabinet Member for Adult Social Care and Health	
Open Report	For Decision
Wards Affected: All	Key Decision: Yes
Report Author: Matthew Cole, Director of Public Health	Contact Details: Tel: 020 8227 3657 E-mail: matthew.cole@lbbd.gov.uk
Accountable Divisional Director: Matthew Cole, Director of Public Health, London Borough of Barking and Dagenham	
Sponsor: Anne Bristow, Strategic Director Service Development and Integration and Deputy Chief Executive, London Borough of Barking and Dagenham	
Summary: <p>Responsibility for the commissioning of Healthy Child 5-19 Programme (School Nursing and National Child Measurement Programme Services) was transferred to the Local Authority on 1 April 2013. The service offers school aged children a schedule of health and development reviews, screening tests, immunisations and health promotion, as well as tailored support for children and families. The National Child Measurement Programme (NCMP) is a mandated public health programme for the Local Authority.</p> <p>The Healthy Child 5-19 Programme contract is currently provided by North East London NHS Foundation Trust (NELFT) at an annual cost of £1,200,000. The contract commenced on 1 April 2013 for duration of 17 months and a further 19 months extension was agreed by the Health and Wellbeing Board on the 29 July 2014. The service contract is now due to expire on 31 March 2016 with no option for further extensions.</p> <p>The commissioning of Healthy Child 0-5 programme (Health Visiting and Family Nurse Partnership Programme) services transferred from NHS England and became the responsibility of the Council in October 2015. This gives the Council the opportunity to join up the commissioning of the 0-5 and 5-19 Healthy Child Programmes as a fully integrated 0-19 Healthy Child Programme. Health services (prevention and support) are also included as part of the Ambition 2020 programmes review.</p>	

This report seeks approval for a direct award of the Healthy Child 5-19 Programme contract to NELFT for 6 months from 1 April 2016 until 30 September 2016. The contract award period will be used to develop a procurement strategy for the commissioning of more cost-effective service and undertake a competitive procurement process for the service

Recommendation(s)

The Health and Wellbeing Board is recommended to:

- (i) Waive the requirement to tender for the commissioning of the Healthy Child 5-19 Programme, in accordance with the Council's Contract Rules; and
- (ii) Delegate authority to the Strategic Director Service Development and Improvement and Deputy Chief Executive, in consultation with the Director of Public Health, Corporate Director of Children's Services, Strategic Director, Finance and Investment, and the Director of Law and Governance, to enter into a direct contract for 6 months for Healthy Child 5-19 Programme to NELFT from 1 April 2016 until 30 September 2016, in accordance with the strategy set out in the report.

Reason(s)

To maintain service continuity while a new service is being procured.

1. Introduction and Background

- 1.1 The Healthy Child Programme¹ (HCP) is an evidenced-based early intervention and prevention public health programme for children and families. It sets out the recommended framework of services for children and young people aged 0 -19 years (including during pregnancy) to promote optimal health and wellbeing, prevent ill health and provide early intervention when required.
- 1.2 Effective implementation of the programme improves a range of public health outcomes including improved sexual health, reduced numbers of teenage pregnancies, healthy diet and exercise, improved educational outcomes, smoking prevention and cessation, substance misuse prevention, and awareness and improved emotional health and wellbeing.
- 1.3 Responsibility for the commissioning of Healthy Child Programme 5-19 (School Nursing and NCMP) service was transferred to the local authority on the 1 April 2013. The service delivered by school nurses, offers school aged children a schedule of health and development reviews, screening tests, immunisations and health promotion, as well as tailored support for children and families. NCMP is a mandated public health programme for the Local Authority.

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https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/167998/Health_Child_Programme.pdf.

- 1.4 The HCP 5-19 contract is currently provided by North East London NHS Foundation Trust (NELFT) at an annual cost of £1,200,000. The contract commenced on 1 April 2013 for a duration of 17 months and a further 19 months extension was agreed by the Health and Wellbeing Board on the 29 July 2014. The service contract is now due to expire on 31 March 2016 with no option for further extensions.

Service Re-configuration

- 1.5 The commissioning of Healthy HCP 0-5 (Health Visiting and Family Nurse Partnership Programmes) service transferred from NHS England and became the responsibility of the Council in October 2015. Health Visitors and Family Nurses lead the implementation of the service in partnership with other health and social care colleagues.
- 1.6 The transfer of the commissioning responsibilities provides the Local Authority the opportunity to join up the commissioning of the 0-5 and 5-19 HCPs as a fully integrated 0-19 HCP.
- 1.7 The integration of the 0–19 HCP will allow the introduction of a new commissioned service delivery model for specialist Community Public Health Nursing Service to be more focused on improving health and wellbeing outcome, and provides an opportunity for a joined up approach and improved seamless pathway for children, young people and families where health and wellbeing issues are assessed, identified and when necessary supportive interventions implemented. It will provide an opportunity to develop effective partnerships with local services advocating and delivering change to support improvements in services for children’s health and well being.
- 1.8 The contract extension for the 5-19 HCP contracts was granted to allow for a comprehensive early years and school based 0-19 service offer to be developed and competitively procured, however these have not been progressed due to delay with completion of the service review and the contract end date for the 0-5 HCP contract which was awarded from 1 October 2015 until 30 September 2017 with the option to extend for up to 12 months.
- 1.9 A 0-19 project steering group was established in October 2015 to steer the transformation process over the next 12 months and devise a market development strategy that describes the approach the Council will adopt in the analysis and management of the early years health and care system in the borough. The work of this group is still on-going and the recommendations with an options appraisal which considers the various options for integration will feed into a more detailed procurement strategy to be presented to the board at a later date.
- 1.10 While the service review and remodelling is being carried out, the Council needs to ensure continuous service provision of the healthy Child Programme 5-19 service to local children and families. In addition, NCMP is a mandated public health programme for the Local Authority. It has therefore been agreed that an interim short term contract be entered into with the current provider for a period of six months pending the development of the new procurement strategy. This will also provide the flexibility to tie in with the 0-5 Healthy Child Programme and procure as an integrated 0-19 service.

- 1.11 The Council's Contract Rules require that all contracts with a Contract Value of £50,000 or above should ordinarily be subject to a competitive tender exercise. However, given the requirement to maintain service continuity while a new service is being procured and in light of the short duration of the interim contract, officers are seeking a waiver of the requirement to tender this contract on the ground of genuinely exceptional circumstances in accordance with Clause 6.6.8 of the Council's Contract Rules.

2. Proposed Procurement Strategy

2.1 Outline specification of the works, goods or services being procured.

The core elements delivered by the Healthy Child Programme 5-19 are;

Universal	Progressive/ Universal Plus and Partnership Plus	Enhanced elements
Three universal health reviews	Participation in Common Assessment Framework process where related to direct case load	Health absenteeism support
National child measurement programme, including parental feedback	Participation in Targeted Mental Health in Schools (TaMHS) process where related to direct case load	Tier 2 child weight management
Support for schools to develop health related policies, e.g. pupil medicine management	Participation in safeguarding and child protection procedures where related to direct case load	Additional drop-in school based sessions beyond universal provision
Regular access for children, young people and educational professionals to professional health advice and support in school and community youth settings.	Tier 1 child weight management advice and signposting	Additional input to school curriculum/assembly health related sessions beyond universal provision
Access, for secondary school children, to sexual and reproductive health advice and guidance and, where school SRE policies allow, access to condoms where appropriate	Support to school in signposting and accessing SEN related health services	

<p>Access, for secondary school children, to Level One smoking cessation advice and support where needed.</p>	<p>Support and signposting to services for specific groups of vulnerable young people:</p> <ul style="list-style-type: none"> • Young carers • Children living with chronic diseases e.g. sickle cell disease, diabetes • Lesbian, gay, bisexual and trans identifying youth • Young mothers in education • Youth offenders in education 	
	<p>Signposting of support for vulnerable parents</p>	

2.2 Estimated Contract Value, including the value of any uplift or extension period.

The total cost for 6 months is estimated to be below the EU threshold set out in the Regulations for these type of services. The service will be funded from the Public Health Grant.

2.3 Duration of the contract, including any options for extension.

6 months

2.4. Is the contract subject to the (EU) Public Contracts Regulations 2015? If yes and the contract is for services, is it subject to the light touch regime?

The value of the contract for the services being procured does not exceed the Light Touch Regime financial threshold set out in the Public Contracts Regulations 2015 and the contract is therefore not subject to the Regulations

2.5. Recommended procurement procedure and reasons for the recommendation.

A direct award of a 6-month contract for the Healthy Child 5-19 programme (School Nursing and NCMP) service to North East London NHS Foundation Trust from 1 April 2016 until 30 September 2016,

Reasons

To maintain service continuity while a new service is being procured.

2.6. The contract delivery methodology and documentation to be adopted.

The standard Public Health Services Contract 2015 is the form of contract to be used. The contract will have a break clause allowing notice to be given by either party for termination. This allows increased flexibility should a significant change in service provision be required.

A range of services will be delivered by a specialist workforce of healthcare professionals working with children, young people and their families in local schools and community settings on both a group and individual basis to support children and young people to remain healthy and to ensure that their health needs are met.

Services are to be provided to Barking and Dagenham residents only; the service specification will highlight respective service eligibility criteria.

2.7. Outcomes, savings and efficiencies expected as a consequence of awarding the proposed contract.

Effective implementation of the service improves a range of public health outcomes including improved sexual health, reduced numbers of teenage pregnancies, healthy diet and exercise, improved educational outcomes, smoking prevention and cessation, alcohol and substance use prevention and awareness and improved emotional health and wellbeing.

The direct award of these contracts will maintain service continuity and costs while a new service is being procured. In the longer term, the benefit of aligning the procurement of both services into an integrated 0-19 service is expected to deliver both financial and operational efficiencies, a more streamlined service and better outcomes for children, young people and families.

2.8. Criteria against which the tenderers are to be selected and contract is to be awarded.

N/A – Direct award

2.9. How the procurement will address and implement the Council's Social Value policies.

The Council's social value responsibilities are taken through its vision: One borough; One community; London's growth opportunity. Through the award of the contract, the Council will ensure service continuity that meets the needs of the local population, through the provision of the Healthy Child Programme 5-19.

The Council will work with the provider to seek to identify local opportunities for apprenticeships, training and recruitment for Barking and Dagenham residents.

3. Options Appraisal

Option 1: Do Nothing

This option is not viable because the Council need to deliver the Healthy Child Programme 5-19 service for children, young people and families. In addition, NCMP which is an element of the programme is a mandated public health programme for the Local Authority. If the service ceases, access to health and social services for children, young people and families in the borough would be lost, and this would have a detrimental impact on their health, social and educational outcomes. There is also a reputational and financial risk to the authority by the potential failure to perform its statutory duty to deliver public health services for children 5-19 years.

Option 2: Undertake a competitive process to procure an Integrated 0-19 Healthy Child Programme and award a full contract (3-4 years)

This option was considered but rejected at this time due to the delay in the completion of the service review.

Option 3: Direct Award of the contract for a short period and undertake a competitive process (Preferred Option)

Advantage:

1. A more efficient option to maintain service continuity while a new service is being procured
2. Allow completion of the review of early year's services and development of an integrated model that ensure the service best meets the needs of children, young people and families in the borough. .
3. The Council is able to fulfil its legal obligation to its residents
4. The Council will comply with the Public Contracts Regulations 2015

4. Waiver

Approval is being sought to waive the requirement to tender as contained within rule 28.8 for the commissioning of the Healthy Child 5-19 Programme service, in accordance with the Council's Contract Rules, specifically Clause 6.6.8 which relates to genuinely exceptional circumstances.

5 Equalities and other Customer Impact

The award of the contract will provide a model of service delivery to all children and young people (including vulnerable) and their families in Barking and Dagenham through a community and universal offer. This service supports the work of the public health team in challenging some of the inequalities in health outcomes for children and young people and their families in Barking and Dagenham through joint working with schools, teachers, and communities to improve health.

6. Other Considerations and Implications

6.1 Risk and Risk Management

Risk	Likelihood	Impact	Risk Category	Mitigation
No contract in place from 1st April 2016 leading to a detrimental impact on health, social and educational outcomes of children and young people in the borough	Low	High	Medium	Health and Wellbeing board to approve the direct award of the contract. Current providers engaged in the process and informed of the decision.
Contract award decision challenged by another provider	Low	Low	Low	Procure contract in line with Council's contract rules. Liaise with legal departments at all stages and ensure documentation is kept. Evidence clear intention to competitively procure service at the end of the contract
Provider failing to meet contractual obligations	Low	High	Medium	Robust and regular performance monitoring procedures, performance indicators and consequences of failure to meet them set out in service specification
Delay to/ failed procurement process	low	high	Medium	Set and follow a realistic timetable . Council to negotiate new contract with current provider

6.2 TUPE, other staffing and trade union implications.

N/A

6.3 Safeguarding Children

The provision of this service would improve the wellbeing of children in the borough and reduce inequalities. The Council would ensure that the provider has in place the necessary safeguarding protocols, in line with Council Policy and applies the Frazier Guidelines and Gillick Competency where a young person is under 16.

6.4 **Health Issues**

The proposal is in line with the outcomes and priorities of the joint Health and Wellbeing Strategy. The award of the contract should further enhance the quality and access of services, as well as user and patient experiences. The proposal will have a positive effect on our local community.

6.5 **Crime and Disorder Issues**

N/A

6.6 **Property / Asset Issues**

N/A

7. **Consultation**

- Corporate Director for Adult and Community Services
- Group Manager Finance- Adults and Community Services
- Legal Services
- Corporate Procurement
- Councillor Maureen Worby- Portfolio holder for Adult Social Care and Health
- Procurement Board

8. **Corporate Procurement**

Implications completed by: Adebimpe Winjobi, Category Manager

The Council's Contract Rules states that for all procurements with a contract value which exceeds £50,000, there is a requirement to conduct a formal tender, however, the Contract rules allows for this requirement to be waived as long as there is valid justification.

The contract is subject to the Light Touch Regime of the Public Contract Regulations 2015 as the value does not exceed the threshold which requires the service to be advertised in the Official Journal of the European Union (OJEU) and as such a direct award is being sought to undertake the procurement process for a new service.

At the time of this report there were no alternative options available to the Council, and I support the recommendations made in this paper. Corporate procurement will continue to provide support throughout the process.

9. **Financial Implications**

Implications completed by: Carl Tomlinson, Group Manager, Finance

- 9.1 The Public Health team has allocated a budget of £600,000 from the Public Health grant to fund this service

9.2 There are no additional cost pressures expected to the Council in addition to the agreed contract value.

10. Legal Implications

Implications completed by: Daniel Toohey, Principal Corporate and Commercial Solicitor

10.1 This report is seeking approval from the Health and Wellbeing Board (HWB) to waive the requirement to tender the Healthy Child 5-19 Programme Contract, as required under rule 28.8 of the Council's Contract Rules.

10.2 The report proposes that an interim contract be awarded directly to the current provider, North East London Foundation Trust (NELFT) from 1st April 2016 for a period of six months for the reasons stated in the body of the report. The services being procured fall within the description of services covered by the Light Touch regime under the Public Contracts Regulations 2015. This regime requires that contracts with a Contract Value of or higher than the set threshold, currently set at E750,000 (£589,148), need to be opened up to competition and be advertised in the Official Journal of the European Union (OJEU). The value of this contract, is estimated to be below the Light Touch Regime threshold for such services and as such need not be advertised as required by the Regulations., The Council's Contract Rules also require contracts with a value of £50,000 or more to be advertised and opened up to competition unless a waiver is obtained. Officers are seeking a waiver and the reasons and grounds for such are set out in the report. In making its decision whether to grant the waiver and award the contract, Members need to satisfy themselves that the reasons proffered by officers for such decision satisfy the requirements of the Contract Rules.

10.6. The Responsible Directorate and report author are requested to keep Legal Services fully advised of the progress of this procurement. Legal Services will be available to assist and advise throughout the process.

Background Papers Used in the Preparation of the Report:

None

List of appendices:

None