

Notice of:	CABINET MEMBER FOR ADULT SERVICES AND HEALTH
Decision Number:	PH18/2021
Relevant Officer:	Dr Arif Rajpura, Director of Public Health
Relevant Cabinet Member:	Councillor Jo Farrell, Cabinet Member for Adult Services and Health
Date of Meeting:	22 February 2021

DISPENSATION FROM CONTRACT PROCEDURE RULES- CHILDREN'S PUBLIC HEALTH COMMISSIONED CONTRACTS FOR 0-19

1.0 Purpose of the report:

- 1.1 To seek approval from the Cabinet Member to extend the 0-19 Contracts with Blackpool Teaching Hospitals NHS Trust for an additional four years with the contract ending on the 31 March 2025.

2.0 Recommendation(s):

- 2.1 To approve the direct award as a dispensation from Contract Procedure Rules due to the extreme urgency brought about by events unforeseeable by the contracting authority namely the Coronavirus pandemic.
- 2.2 To agree an additional four year contract ending on the 31 March 2021 with Blackpool Teaching Hospitals NHS Trust for the provision of Public Health commissioned contracts from 0-19 age outlined in the background information section.

3.0 Reasons for recommendation(s):

- 3.1 The previous agreement was to extend this contract for a further year till 2021. In view of the current pandemic and the Public Health response to this, there is insufficient capacity to run a full procurement process.

Under section 32c of the procurement regulations, Public Health can give a direct award for a contract without following a competitive process for reasons of 'extreme urgency brought about by events unforeseeable by the contracting authority', and therefore not able to comply with the required time limits for completing a procurement process. The Covid-19 pandemic has required Public Health to re-prioritise workload to an extent that it has not been possible to do the necessary pre-procurement work to allow a tender exercise to be

undertaken. It is not known at this stage of the pandemic when resources and capacity will be available to undertake a procurement exercise for these services.

Whilst other service providers exist the market for these specialist needs and requirements is small, so in order to ensure continuity it is proposed that a longer term extension till 2025, would allow time to renegotiate the School Nursing Contract, redesigning the service in line with the School Nursing Review recommendations. The contract will be offered on a 2+1+1 basis, with a terminate period of 6 months if we wish to terminate the contract early.

In addition, the commissioning of the Baby Steps contract is being transferred from the NSPCC to the Public Health Commissioning team, and the baby Steps Staff are being transferred to the Hospital Trust. In light of this the Better Start Partnership Board has requested consideration of a longer contract period to allow time for the service to bed into the organisation. This is the approach we took with the Health Visiting service, when it was novated to the council, so this approach does not set a precedent. The request is to extend the contract period till 31 March 2025 to align with the procurement for Health Visiting.

3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.3 Is the recommendation in accordance with the Council's approved budget? Yes

4.0 Other alternative options to be considered:

4.1 The alternative would be to continue with a one year extension, however, it is unclear how long Public Health is required to respond to the Pandemic. There is a risk that even if the pandemic workload lessened in the next 6 months, which is unlikely, there would be insufficient time to run a robust procurement process next year.

5.0 Council priority:

5.1 The relevant Council priority is

- "The economy: Maximising growth and opportunity across Blackpool"
- "Communities: Creating stronger communities and increasing resilience"

6.0 Background information

6.1 Giving every child the best start in life is crucial to reducing health inequalities across the life course. The foundations for virtually every aspect of human development – physical, intellectual and emotional – are laid in childhood. What happens during these early years has lifelong effects on many aspects of health and well-being, educational achievement and economic status. Universal and specialist public health services for children are important in promoting the health and wellbeing of all children and reducing inequalities through targeted intervention for vulnerable and disadvantaged children and families. Successive reviews have

demonstrated the economic and social value of prevention and early intervention programmes in pregnancy and the early years

6.2 Some elements of children’s public health services are mandated under the conditions of the public health grant. These are:

- Five universal health visitor reviews: antenatal, 14 days, 6-8 week check, one year and two and a half years
- National Child Measurement Programme (NCMP) – Reception and all Year 6 pupils
- Oral health epidemiology

6.3 Contracts to be considered for extension are:

- Health Visiting Services and Family Nurse Partnership - £2,389,090 per year.
- School Nursing Services - £600,000 per year

6.4 At the present time negotiations are on-going with Blackpool Teaching Hospitals NHS Trust, for the transfer of the Baby Steps contract from NSPCC. As from the 1 April 2021 Public Health will take on the responsibility of commissioning the service as part of the Health Visitor contract on behalf of Better Start. The funding for this programme is due to run until 31 March 2025. During this time work will need to be undertaken to establish how this becomes a sustainable model, which is very difficult when a contract is offered on an annual basis.

6.5 The School Nursing Review is in the final stages and negotiations need to commence with the service to implement the recommendations and make changes to the service delivery. If Public Health only offered a one year contract it is felt the Trust wouldn’t invest the appropriate time to make the required changes. A longer contract will allow the time to negotiate and implement these.

6.6 Does the information submitted include any exempt information No

7.0 List of Appendices:

7.1 None.

8.0 Financial considerations:

8.1 The contract value over the 4 years would be in the region of £12 million for Health Visiting and Family Nurse Partnership and School Nursing Services. The Baby Steps service will be an additional £294,300 per annum. Contract values will be reviewed annually upon confirmation of the Public Health grant allocation.

9.0 Legal considerations:

9.1 Public Contract Regulations 2015 require a light touch competition be undertaken. This report seeks approval to a dispensation as per the Council's Contract Procedure Rules to directly award these services to the Blackpool Teaching Hospitals NHS Trust. A notice confirming contract award will be published on the UK Contract Finder website and a formal contract will be issued signed by both parties if the dispensation is approved.

10.0 Risk management considerations:

10.1 The key risk for this contract is the continuation of awarding the contract to Blackpool Teaching Hospitals NHS Trust. The Cabinet Members decision would not protect the organisation from challenge from the market place under the Public Contract Regulations Act 2015.

10/2 Any challenge from other service providers may lead to the Council having to undertake a tender exercise.

11.0 Equalities considerations:

11.1 Blackpool Teaching Hospitals NHS Trust will be requested to sign the Council's Suppliers Charter at the point of contract award and be required to set out a programme of Social Value delivery during the full term of the contract.

12.0 Sustainability, climate change and environmental considerations:

12.1 Blackpool Teaching Hospitals NHS Trust will be expected to align organisational policy with the Council's objectives set out in its Climate Emergency Declaration, explaining what action they will take to reduce their carbon footprint and adopt environmentally friendly practice and policy.

13.0 Internal/external consultation undertaken:

13.1 Discussion with the Procurement Team who are supportive of this approach.

A paper was presented at Corporate Leadership Team who were supportive of the proposal for the extension of the contract.

14.0 Background papers:

14.1 None

15.0 Key decision information:

15.1 Is this a key decision? No

15.2 If so, Forward Plan reference number:

15.3 If a key decision, is the decision required in less than five days? No

15.4 If **yes**, please describe the reason for urgency:

16.0 Call-in information:

16.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No

16.2 If **yes**, please give reason:

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE

17.0 Scrutiny Committee Chairman (where appropriate):

Date informed:

Date approved:

18.0 Declarations of interest (if applicable):

18.1 None.

19.0 Executive decision:

19.1 The Cabinet Member agreed the recommendation as outlined above namely:

1. To approve the direct award as a dispensation from Contract Procedure Rules due to the extreme urgency brought about by events unforeseeable by the contracting authority namely the Coronavirus pandemic.
2. To agree an additional four year contract ending on the 31 March 2021 with Blackpool Teaching Hospitals NHS Trust for the provision of Public Health commissioned contracts from 0-19 age outlined in the background information section.

20.0 Date of Decision:

20.1 22 February 2021

21.0 Reason(s) for decision:

21.1

22.0 Date Decision published:

22.1 22 February 2021

23.0 Executive Members in attendance:

23.1 The previous agreement was to extend this contract for a further year till 2021. In view of the current pandemic and the Public Health response to this, there is insufficient capacity to run a full procurement process.

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therefore not able to comply with the required time limits for completing a procurement process. The Covid-19 pandemic has required Public Health to re-prioritise workload to an extent that it has not been possible to do the necessary pre-procurement work to allow a tender exercise to be undertaken. It is not known at this stage of the pandemic when resources and capacity will be available to undertake a procurement exercise for these services.

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24.0 Call-in:

24.1

25.0 Notes:

25.1