

Written statement of a key decision
Cabinet member health and adult wellbeing

Title	Commissioning of the public health nursing service (0-19 years, up to 25 years for young people with disabilities)
Decision maker	Cabinet member health and adult wellbeing Information about cabinet, including the names and contact details of the cabinet members, can be found here: http://councillors.herefordshire.gov.uk/mgCommitteeDetails.aspx?ID=251
Date of decision	23 February 2023
Report exemption class	Open
Reason for being a key decision	<p>This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A threshold of £500,000 is regarded as significant.</p> <p>This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.</p>
A notice was served in accordance with Part 3 (Key decisions) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.	
General exception or special urgency (as defined in the constitution)	No
Purpose	To approve the commissioning intentions for the 0-19 years Healthy Child Programme providing early help and prevention for children and young people aged 0-19 years and up to 25 for disabled young people and people with additional health needs. The 0-19 years service currently encompasses health visiting and school nursing and an approach which supports greater integration with children's centre services, early years and early help services as part of the children's transformation programme.
Decision	That the Cabinet Member for Health and Adult Wellbeing agrees

	<p>a) To procure a new 0-19 years' Healthy Child Programme via competitive tender for a period of up to seven years (5 plus 2 years). To commence on 1 April 2024 at an additive cost not exceeding £17,108,889 (7 years).</p> <p>b) The Director of Public Health in consultation with the Corporate Directors for Community Wellbeing and Children & Young People, to take all necessary operational decisions including service redesign and tender process and award of contract.</p>
Reason for the decision	<p>As set out in the report. Documents relating to this decision are available at</p> <p>http://councillors.herefordshire.gov.uk/mgIssueHistoryHome.aspx?IId=50043399</p>
Options considered	<ol style="list-style-type: none"> 1. To extend the current contract. This is not advised as this could be viewed as anti-competitive because the five year contract has already been extended by a further 12 month period until 31 March 2024. The provider has been subject to a formal improvement plan for this service during 2021/22. 2. To make a direct award to the incumbent provider for continuation of the service. This is not advised as this would be in breach of the Public Contract Regulations 2015 (PCR2015) for local authorities. There is also a potential risk of challenge as four other providers expressed interest in submitting a bid for the contract during the soft market testing exercise, undertaken during 2021/22. 3. To award the contract through a Section 75 agreement. Options available to the council to do this: <ol style="list-style-type: none"> 3.1 Lead Commissioning - the partners can agree to delegate commissioning of a service to one lead organisation to be commissioned by it alongside its own, but not necessarily unless they wish, as a part of a pooled fund. 3.2 Pooled Funds - the ability for partners each to contribute agreed funds to a single pot, to be spent on agreed projects for designated services delivery and without a boundary between LA and NHS care. 3.3 Integrated Provision - the partners can join together their staff, resources, and management structures to integrate the provision of a service at a managerial level or all of the way down to the front line functions of staff being integrated.

	<p>4 None of the options (paras 3 to 3.3) allow a 'direct award' of the provision of the service to the NHS and is not advised. Pooled funding and integrated services would require consultation with the various affected parties and decisions from cabinet or full council to enable the integration of the services. Regulation 75 is about partnering and the joining together of services, not the award of a contract for services. As there is more than one possible supplier of these services the Public Contract Regulation 2015 would still apply.</p>
<p>Declarations of interest (see ▪ below)</p>	
<p>Call-in expiry date (decisions are not subject to call-in where special urgency provisions apply)</p>	<p>1 March 2023</p>

<p>Councillor:</p> <p>Cabinet member health and adult wellbeing (Councillor Pauline Crockett)</p>	<p>Date 23 February 2023</p>
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- a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision;
- and
- in respect of any declared conflict of interest, a note of dispensation granted.