

Title of report: Commissioning of the public health nursing service (0-19 years, up to 25 years for young people with disabilities)

Decision maker: Cabinet Member Community Wellbeing

Decision date: Thursday 23 February 2023

Report by: Public Health Commissioning

Classification

Open

Decision type

Key

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.

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.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards affected

(All Wards);

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.

Recommendation(s)

That the Cabinet Member for....agrees

- 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).**
- 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.**

Alternative options

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:
 - 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.
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.

Key considerations

- 5 The Health and Social Care Act 2012 sets out a local authority's statutory responsibility for commissioning public health services for children and young people aged 0-19 years. Guidance published to support commissioning of these services identifies the mandated health reviews required up to the age of 5 years and subsequent reviews to be offered for school age children and young people.
- 6 The current contract through the public health nursing service 0-19 years delivers the Healthy Child Programme which aims to bring together health, education and other key partners to deliver an effective programme for prevention and support. Whilst recognising the contribution of other partners, there are some elements of the programme which require clinical expertise and knowledge that can only be provided by specialist service for example, qualified health visitors.
- 7 This service was commissioned five years ago as a 0-19 years Integrated Public Health Nursing Service. However, this has effectively been delivered through two separate teams, health visiting and school nursing, and a review/redesign of this model is under consideration.
- 8 Currently, the council is in a position where children's services are going through a transformation programme of work and the 0-19 years service needs to be integrated and aligned across children's early help, early years and social care to ensure the best possible outcomes for families.
- 9 In the last two years, while the service has seen a significant increase in safeguarding cases there has been no additional budget to support this increased workload.
- 10 The current service contract has already been extended by a further 12 month period to allow time for the children's transformation programme to be embedded.
- 11 The pandemic has changed the way services are delivered and opened up opportunities for new and innovative ways of meeting needs.

Community impact

- 12 The 0-19 years service is a universal service, providing health and wellbeing assessments for pregnant women, babies and children, thereby impacting directly on the lives of all current and future children and families in Herefordshire .A more targeted approach is also provided where families need additional support or referral for more specialised help.
- 13 The County Plan 2020–2024 includes the ambition to 'strengthen communities to ensure everyone lives well and safely together'. Specifically, the council aims to:
 - 13.1 Ensure all children are healthy, safe, and inspired to achieve;
 - 13.2 Ensure that children in care, and moving on from care, are well supported and make good life choices; and
 - 13.3 Protect and improve the lives of vulnerable people.
- 14 There is an opportunity to better integrate and align the 0-19 years service as part of the wider transformation programme within the children's and families directorate and talk community hubs, including potential family hubs and across primary care network areas. This service is integral to Herefordshire's early help and prevention offer, working with children's centres services, early year's settings, schools, colleges, social care and children who are looked after to improve outcomes for children and young people and give them the best start in life.

Environmental Impact

- 15 There are no specific environmental impacts arising from this report.
- 16 The environmental impact of this proposal has been considered through the service specification and includes appropriate requirements on the contractor/delivery partner to minimise waste, reduce energy and carbon emissions and to consider opportunities to enhance biodiversity. This will be managed and reported through the ongoing contract management.

Equality duty

- 17 Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 18 The Equality Act 2010 established a positive obligation on local authorities to promote equality and to reduce discrimination in relation to any of the nine protected characteristics: age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion or belief; sex; orientation.
- 19 In particular, the council must have due regard to the public sector equality duty when taking any decisions on service changes.
- 20 As the service redesign process takes place, any significant changes to the service will be followed through by an impact assessment. An initial Equality Impact Assessment is attached to this report.

Resource implications

- 21 The funding for the service forms part of the Public Health ring fenced grant. During the past five years there have been no inflationary uplifts added during this period.
- 22 There are no proposed increases to the budget for the new service and there will be no inflationary uplifts applied.

Revenue Costs (5 yrs. plus 2)	2024/5 Yr 1	2025/6 Yr 2	2026/27 Yr 3	2027/28 Yr 4	2028/29 Yr5	2029/30 Yr6	2030/31 Yr 7
Core contract	£2,444,077	£2,444,077	£2,444,077	£2,444,077	£2,444,077	£2,444,077	£2,444,077
TOTAL							£17,108,889

Legal implications

23. Local authorities have a legal responsibility to help families with disabled children, by arranging support for them, their siblings and their carers.

24. Section 17 (10) of the Children Act 1989 places an obligation on local authorities to safeguard and promote the interests of 'children in need' under the age of 18 years.

25. For young adults, the Care Act 2014 requires local authorities to 'promote the wellbeing of disabled adults and their carers'. The Care Act also makes clear that support should be given to children who may need help to prepare for the transition to adult services, and young carers. It requires that services are arranged before the child's 18th birthday to meet their assessed needs and can continue after their 18th birthday until adult services are in place.

26. Local authorities also have to comply with the Health and Social Care Act 2012, which sets out guidelines for commissioning services for children and young people aged 0-19 years. The Council must ensure that it complies with the commissioning guidelines.

27. The whole life value of this contract is estimated at £17,108,889. In letting contracts over a certain value the Council is required to comply with the Council's Contract Procedure Rules and Public Contracts Regulations 2015 ("PCR").

28. Regulation 5(1)(d) of the PCR provides that public service contracts for social other specific services listed in Schedule 3 of the 2015 Regulations must be let in accordance with the PCR when the whole life value of the contract is equivalent to or more than £663,540 (inclusive of VAT)

29. Therefore, the Council should follow the PCR for the procurement of its new supplier.

Risk management

30.

Risk / opportunity	Mitigation
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There is a risk of challenge from other providers interested in the contract if this service is not an open tender

Public Health ring-fenced grant. There is no guarantee year on year on the amount the local authority will receive in the ring-fenced grant.

Staffing resource – if there is insufficient staffing resource/expertise to manage the requirements of the service specification.

There is no additional budget for this contract period, but with rising safeguarding cases since the pandemic there is a risk that this work will impact on delivery of the core preventative work.

Provide an open competitive tender that follows the Council Procedure Rules for procuring services and PCR2015 legislation.

Funds would have to be secured through other council budgets or contract negotiations entered into to review provision of services.

The specification incorporates skill mix model so that service delivery is not solely reliant on recruiting specialist staff.

Build in flexibility within the contract to enable some variation should systems change. Ensure the service is represented on strategic boards as part of the wider integrated offer.

Close monitoring of the contract and negotiations with the provider around any contract variations.

31. All risks will be managed at a service level as well as being reported at a directorate/corporate level and added onto risk registers as appropriate.

Consultees

32. Consultation with service users took place in the autumn 2021 through a variety of methods including an on line survey and face to face consultations in children centres and a community group in Herefordshire. 60 people completed the on line questionnaire and a further 56 people were consulted face to face about the service.

33. Further consultation took place through The Prevention and Early Help in Communities project (early 2022), to inform the longer-term strategy of “preventing escalation of need by intervening early to help with over 1,000 consultees consulted.

34. Two stakeholder events have taken place (one on line in Autumn 2021 with 25 partners in attendance) and one in October 2022 (on line & in person) with 26 stakeholders. Stakeholders included representation from early help, children’s centre service, Healthwatch, early years settings and leads, mental health services, Homestart, schools, maternity services, primary care networks. Schools are been consulted via an on line survey during January – February 2023.

35. Views were sought from political groups and the balance of opinion was in favour of the recommendations.

Appendices

Appendix 1

Impact Assessment

Background papers

NONE

Report Reviewers Used for appraising this report:

Governance	John Coleman	Date 20/01/2023
Finance	Kim Wratten	Date 30/01/2023
Legal	Patricia Haywood	Date 30/01/2023
Communications	Luenne featherstone	Date 17/01/2023
Equality Duty	Harriet Yellen	Date 20/01/2023
Procurement	Lee Robertson	Date 17/01/2023
Risk	Jo Needs	Date 20/01/2023
Approved by	Matt Pearce	Date 01/02/2023

Please include a glossary of terms, abbreviations and acronyms used in this report.