

## **Cabinet – 9th December 2020**

### **Extension of Adult Social Care Service Public Health Contracts**

<b>Portfolio:</b>	Councillor Craddock, Health and Wellbeing
<b>Related portfolios:</b>	Adult Social Care, Children's Services, Economy and Environment
<b>Service:</b>	Public Health
<b>Wards:</b>	All
<b>Key decision:</b>	Yes
<b>Forward plan:</b>	Yes

#### **1. Aim**

- 1.1. For the Council to be assured that it will continue to have compliant contractual arrangements in place, which are fit for purpose and enable a review against the corporate priorities.

#### **2. Summary**

- 2.1. The Director of Public Health is requesting Cabinet delegate authority to enter into appropriate contractual arrangements to ensure continuity of service for the 'Health and Wellbeing' Public Health contracts, which are due to expire in 2021. This will allow the Public Health team sufficient time to learn from the impact of the Covid-19 pandemic, review and consult on the appropriate service model to meet the changing residents' needs and procure service contracts in line with the corporate priorities. This will enable the Council to identify how these services can be commissioned in the future and remain central to delivering the Health and Wellbeing ambitions of the Council in a post pandemic world.
- 2.2. This is a key decision because it exceeds the threshold for "significant" expenditure of £250,000 and impacts upon all council wards.

#### **3. Recommendations**

- 3.1. That Cabinet delegates authority to the Executive Director of Adult Social Care to enter into appropriate contractual arrangements until 31<sup>st</sup> March 2023, and subsequently authorise the sealing or signing of any associated contracts, deeds or other related documents for the following contracts:
- Healthy Eating in Schools (Food for Life)
  - Lifestyle Services
  - Smoking Cessation
  - Sexual Health Services
- 3.2. That Cabinet delegate authority to the Executive Director for Adult Social Care, in consultation with the Portfolio Holder for Health and Wellbeing, to authorise any variations to the contractual arrangements for the services identified above, should this be required at any time during the term, in line with Public Contract Regulations and the Council's Contract Rules.

#### **4. Report detail – know**

##### ***Context***

- 4.1. The impact of the Covid-19 pandemic is unprecedented in our lifetime and it continues to impact upon every aspect of people's daily lives. Whilst we respond to the ever-changing daily challenges, it is not possible to estimate or predict the human, financial and societal long-term impacts.
- 4.2. Notwithstanding the enormous effort that is being mobilised across the public, private and community voluntary sectors to respond to the local challenges, the Council's Public Health team, for the last 9 months, have been under additional pressure to rightly focused their attention, energy and expertise on responding to the needs of Walsall's residents, communities, health and social care, education and business sectors.
- 4.3. The Covid-19 Pandemic has had a significant impact upon the health and social care sector and significantly upon the Public Health team's capacity to respond to the demand of the pandemic whilst at the same time attending to the "business as usual" work plan. In addition, given the significant impact the pandemic is having upon people's daily lives and behaviours this should also be seen as an opportunity for the Council to consider a potential remodelling of services based upon the changing requirements and needs of local residents.
- 4.4. In addition, the pandemic will have a direct impact upon public finances and we are also observing changes to people's behaviours that may

require a different future service configuration to meet the changing needs and behaviours.

- 4.5. In this context, it would be appropriate time to review the configuration and range of Public Health commissioned services aligning them to the changes in people's behaviour. This will optimise the local Public Health investments to contribute to the financial challenges facing the Council whilst at the same time minimising the impact upon the most vulnerable who are disproportionately dependent upon these services.

In order to examine alternative commissioning and delivery models, Public Health commissioners will need to engage with a wide range of internal and external stakeholders. This will mean there is sufficient time to undertake this exercise and run a strategic procurement exercise before these contracts expire during 2021.

- 4.6. The following contracts all address the 'Health and Wellbeing' category in Public Health. These contracts have been categorised to enable tailored solutions that relate to their specific requirements.

Contract Details		Annual Budget	Expiry Date
A	Healthy Child Programme (HCP) 5-19: School Nurses + NCMP from 01/04/16 +Special School Nurses from 2017	£1,101,994.00	31/03/2022
	0-5 Healthy Child Programme (Health Visiting)	£3,640,000.00	31/03/2022
	Teenage Pregnancy Service	£119,840.00	31/03/2022
	Smoking Cessation (Pregnancy)	£54,782.00	31/03/2022
B	Healthy Eating in Schools (Food for Life)	£220,515.00	31/08/2021
	Lifestyle Services	£717,798.00	30/04/2021
	Smoking Cessation	£175,000.00	31/03/2021
	Sexual Health Services	£1,771,400.00	31/03/2021

- 4.7. Category 'A' Contracts – There are a number of the Public Health contracts that are provided by Walsall Healthcare Trust (0-5 Healthy Child Programme, Healthy Child Programme 5-19, School Nursing Service, Teenage Pregnancy, Smoking Cessation (pregnancy) and Sexual Health Services). The future delivery of these contracts will, in the first instance, be considered to be delivered in the context of the "Walsall Together" Section 75 arrangements.
- 4.8. Category 'B' Contracts – These contracts are all due to expire during 2021. There could be benefits realised through commissioning these services in a different way, potentially through consolidating demand to generate additional efficiencies.
- 4.9. If Cabinet is in agreement with the recommendation, the Public Health team will initiate a review of these Health and Wellbeing contracts in the

context of the post pandemic “reset” agenda, to tailor the services to the changing needs of Walsall residents. This review will require a comprehensive engagement and consultation exercise involving internal and external stakeholders, service providers and service users to consider the service configuration options best placed to meet the local need. This will be conducted from April to September 2021 to inform the future service configuration and subsequent procurement process to establish new contracts.

- 4.10. The Council is obliged to follow statutory guidance when commissioning services to assure itself and have evidence that contract terms and conditions are appropriate to provide the delivery of the agreed quality of care. The pandemic has required the Council to consider the impact of its own activities on the market as a whole, in particular the potential impact of its commissioning and re-commissioning decisions.

- 4.11. As a result of the issues set out in the above paragraph of this report, there is a requirement to award interim and/or extend contracts of the above services. This is in order to ensure continuity of service provision.
- 4.12. Work with our Procurement and Legal Services to progress the tendering exercises is ongoing, along consultation with key stakeholders such as Children's services and Adult Social Care.
- 4.13. Therefore, the recommendations of this report will ensure that the Council is compliant with its responsibilities under its Contract Rules.

#### ***Council Corporate Plan priorities***

- 4.14. The 'Health and Wellbeing' Public Health contracts support the following priorities set out in the Council's Corporate Plan 2018-2021:
- People have increased independence, improved health and can positively contribute to their communities
  - All Council services are efficient and effective
  - Children have the best start in life, are safe from harm, happy, healthy and learning well
  - Communities are prospering, resilient, safe and healthy places that build a strong sense of belonging and cohesion.
- 4.15. All the above corporate priorities are supported by this approach in these extraordinary circumstances.

#### ***Risk management***

- 4.16. The award of interim contracts and contract extension will ensure that the Council is compliant with its Contract Rules and able to respond compliantly to local demand and meet the statutory Public Health duties and requirements.

#### ***Financial implications***

- 4.17. The recommendations contained within this report, to extend existing contractual arrangements, is to be implemented with no change to the current contractual values. As a result no additional costs will be incurred made in approving the recommendations set out in this report. If savings are identified as part of the review then these will be delivered as part of the contracts to support the future reconfiguration of services.

#### ***Legal implications***

- 4.18. Public Health will liaise with Legal Services to ensure that extension of

the current contractual arrangements will be carried out compliantly and using legally binding methods.

### ***Procurement Implications/Social Value***

- 4.19. Procurement advice has been sought in relation to the contracts listed under 'B' in the table above. All procurement activity will need to be undertaken in compliance with Public Contract Regulations 2015 (the Regulations) and the Council's Contract Rules. Procurement and legal services will coordinate to ensure that there is a consistency of advice and approach.
- 4.20. Where appropriate, contracts will be extended in line with Regulation 72 of the Regulations, which sets out in the scenarios under which contracts subject to the regulations can be modified.
- 4.21. Detailed, specific, procurement advice will be given in relation to each of the contracts requiring action, however it is anticipated that this need will be met through varying and extending the existing contracts.
- 4.22. Where a variation or extension is not practicable, procurement will utilise other compliant routes in line with the Regulations and the Council's Contract Rules, namely the 'Negotiated Procedure without Prior Publication' as detailed under Regulation 32 of the Regulations.
- 4.23. Procurement will ensure that all notices which need to be published in order to carry out in line with the Regulations and guidance published by the Cabinet Office.
- 4.24. During the scoping of any benefits, which can be realised through this commissioning activity, there might be opportunities to implement initiatives that enable benefits to be realised prior to the recommissioning of these services. In these instances, procurement will provide specific advice in relation as to how any additional changes could be implemented in compliance with the Regulations.
- 4.25. All Public Health contracts include a specific clause on Social Value and all provider agencies are required through the performance monitoring processes to demonstrate how they offer Social Value in economic, environmental and/or social benefits to their employees, local residents and local businesses.

### ***Property implications***

- 4.26. There are no property implications arising out of this report.

### ***Health and wellbeing implications***

- 4.27. Continuing to commission these services will enable the Council to promote health and wellbeing for Walsall residents and fully contribute to the Council's corporate priorities impacting upon all residents across the life course.
- 4.28. Key to the Councils' response to Covid-19 is mitigating the health and wellbeing impact. Covid-19 is going to have a long-term impact on our communities including health and wellbeing. It is the intention of the Council to understand this impact and is conducting a resident's survey and other work over the coming year to continue to inform how the Council should respond to this changing need.
- 4.29. The principles and actions contained within this report are in full accordance with the Marmot objectives because service users will have increased independence, improved health and can positively contribute to their communities and benefit from a safe and healthy environment.

#### ***Staffing implications***

- 4.30. There are no staffing implications arising out of this report.

#### ***Reducing Inequalities***

- 4.31. One of the key objectives in the Councils' response to Covid-19 has been to protect the vulnerable and in doing so, directing additional resources to those in greater need. In doing this, the Councils' aim is to mitigate the impact of Covid-19 and reduce inequalities.

The implications for reducing inequalities have been considered and assessed as set out below:

- i. Consideration has been given to the Council's responsibility under the Equality Act 2010; and
  - ii. The Council's duty to meet people's eligible needs will remain the same following the award of the new contracts for the Services.
- 4.32. An Equality Impact Assessment (EqIA) will form part of the consultation and engagement process to consider any future changes to service configuration.

#### ***Consultation***

- 4.33. A public consultation has not been undertaken, as there is no change to the current services. A full consultation process will inform any

subsequent proposed service reconfiguration and any changes. The contracts ensure that all contracted providers are issued with new terms and conditions of the contract to provide clarity, consistency and equity.

**5. Decide**

- 5.1. Cabinet is requested to consider the proposal to enter into appropriate contractual arrangements for the continued provision of the contracts set out in this report and to agree the recommendations as outlined in section 3.

**6. Respond**

- 6.1. Subject to Cabinet approval of the recommendations, Public Health will work with corporate colleagues to:

- (a) Ensure appropriate contractual arrangements are in place until 31st March 2023.
- (b) Completed the recommissioning of all the services during this period.

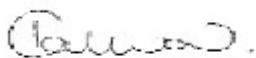
**7. Review**

- 7.1. Once awarded and fully commissioned, these contracts will be reviewed in line with our contract management review process

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9<sup>th</sup> December 2020



Councillor Craddock  
Portfolio Holder

9<sup>th</sup> December 2020

