

Cabinet – 16 March 2022

Extension of the Healthy Child Programme contracts

Portfolio:	Councillor Craddock Health and Wellbeing
Related portfolios:	Councillor Pedley, Adult Social Care Councillor Wilson, Children's Services,
Service:	Public Health
Wards:	All
Key decision:	Yes
Forward plan:	Yes

1. Aim

To ensure the Council continues to have compliant contractual arrangements in place for the continued delivery of the Healthy Child Programme including meeting its statutory obligations. This will be done through seeking Cabinet approval to extend the Healthy Child Programme 0-5 (Health Visiting, Health in Pregnancy and Smoking Cessation in pregnancy) from 01 April 2022 to 31 March 2023 and the Healthy Child Programme 5-19 (School Nursing and Teenage Pregnancy) contract from 01 April 2022 to 31 March 2023. This is in anticipation of the two separate contracts being amalgamated into one Healthy Child Programme 0-19 contract and new contractual arrangements being set in place.

2. Summary

- 2.1. The Director of Public Health is requesting that Cabinet extends the Healthy Child Programme contracts to allow the Public Health team sufficient time to reconfigure the Healthy Child Programme 0-19. This will incorporate the learning from the pandemic, a better understanding of emerging need and a use of good practice contracting mechanisms in line with the Integrated Care Partnership approach.
- 2.2. This will also allow time to review the need of families and young people in a post pandemic Walsall and develop a model of support that meets changing need.
- 2.3. This is a key decision because it exceeds the threshold for "significant" expenditure of £500,000 and will impact upon all council wards.

3. Recommendations

- 3.1. That Cabinet approves the extension of the Healthy Child Programme 5-19 (School Nursing and Teenage Pregnancy) contract delivered by Walsall Healthcare NHS Trust from 01 April 2022 to 31 March 2023.
- 3.2. That Cabinet approves the extension of the Healthy Child Programme 0-5 (Health Visiting, Health in Pregnancy and Smoking Cessation in Pregnancy) contract delivered by Walsall Healthcare NHS Trust from 01 April 2022 to 31 March 2023
- 3.3. That Cabinet delegate authority to the Executive Director of Adult Social Care, Public Health and Hub and the Portfolio Holder for Health to extend contracts on behalf of the Council and to subsequently authorise the 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 to 31 March 2023.

4. Report detail – know

Context

- 4.1. The Healthy Child Programme 5-19 contract was awarded from 01 August 2015 to Walsall Healthcare NHS Trust following the completion of a compliant procurement process, by approval of the then Director of Public Health on 18 March 2015. On 28th February 2019 the Healthy Child Programme 5-19 contract was varied under clause B22 and regulation 72(1)(d)(ii) of the Public Contracts Regulations 2015 to include Teenage Pregnancy Services and Special Educational and Disability (SEND) Role.
- 4.2. The Healthy Child Programme 5-19 contract start date was 01 August 2015 to 31 July 2018 with options to extend by 2 x 12 month periods to 31 July 2020. On 17 July 2019 Cabinet delegated authority to the Director of Public Health to enter into appropriate contractual arrangements for the continued provision of Healthy Child 5-19 services, with Walsall Healthcare NHS Trust from 31 July 2020 for a period of 18 months, if required, in order to enable full scoping and potential implementation of alternative commissioning models, including s.75 of the NHS Act 2006, for the Healthy Child Programme 0-19. Subsequently the extension from 31 July 2020 to 31 March 2022 was actioned via the appropriate delegated authority.
- 4.3. The Healthy Child programme 0-5 contract including smoking prevention in pregnancy was awarded to Walsall Healthcare NHS Trust following the completion of a compliant procurement process, by approval of the then Director of Public Health from 01 April 2017 with the option to extend the initial term by a further two consecutive twelve month periods, from 1 April 2020 to 31 March 2022.
- 4.4. 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 the Council has responded to the ever changing daily challenges, it has not been possible to estimate or predict the short and longer term human, financial and societal long term impacts.

- 4.5. Within the development of the new Healthy Child Programme 0-19, the Public Health team will look to learn from and build upon the positives that have emerged from the pandemic. This will include optimising opportunities to engage with children and families while also responding to the need that has exacerbated during the time of lockdown and growing financial insecurity.
- 4.6. Prior to the emergence of Covid, wide consultation was undertaken in preparation for a new contract and amalgamation of the Healthy Child Programme 0-5 and 5-19. At this point consultees were in favour of the new proposed model. However given the changes to the country and to Walsall over the last two years there is a need to review the model in light of those comments.
- 4.7. An extension to the Public Health contracts will allow Public Health commissioners to work with Council and Partner agency colleagues to consider all commissioning options and comprehensively assess the opportunities and risks of any proposed changes. For example, to assess an arrangement structure under Section 75 of the NHS Act 2006, which allows the Council and an NHS body to contribute to a common fund for joint commissioning of health or social care related services, or similar agreement, in conjunction with Adult Social Care and Walsall Together to optimise efficiencies and effectiveness.
- 4.8. 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.
- 4.9. As a result of the issues set out in the above paragraph of this report, there is a requirement to award interim contracts for the above services. This is in order to ensure continuity of service provision.
- 4.10. Work with Procurement to progress the future tendering options is ongoing, along consultation with key stakeholders such as Walsall Healthcare Trust, Children's Services and Adult Social Care. Legal Services will support future tendering options.
- 4.11. Therefore, the recommendations of this report will ensure that the Council is compliant with its responsibilities under its Contract Rules.

Council Corporate Plan priorities

- 4.12. All the following corporate priorities are supported by extending the contracts on a temporary basis while considering the best model to deliver the Healthy Child Programme.
- 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.

Risk management

- 4.13. The award of contract extensions will ensure that the Council is compliant with its Contract Rules and able to respond compliantly to local demand. The award will also ensure the Council can meet the statutory Public Health duties and requirements within the Healthy Child Programme.

Financial implications

- 4.14. The recommendations contained within this report, to extend existing contractual arrangements, will be implemented with no change to the current contractual values. As a result, no additional costs will be incurred in approving the recommendations set out in this report.

Contract Details	Annual Budget	Expiry Date	Lifetime value	Extension Value
Healthy Child Programme (HCP) 5-19: School Nurses + NCMP from 01 August 2015 +Special School Nurses +Teenage Pregnancy Prevention from 01 April 2018	£1,221,834.00	31/03/2022	£8,709,980	£1,221,834.00
0-5 Healthy Child Programme (Health Visiting) + Smoking Cessation (Pregnancy) from 01 April 2017	£3,694,782.00	31/03/2022	22,640,000	£3,694,782.00

Legal implications

- 4.15. Public Health have liaised with Procurement Services to ensure that extension of the current contractual arrangements as described in point 3 will be carried out compliantly and using legally binding methods and meet procurement regulations.

Procurement Implications/Social Value

- 4.16. In consultation with procurement and commissioning colleagues the following advice has been offered:
- To extend current contracts with Walsall Healthcare NHS Trust using Regulation 72 of the Public Contract Regulations 2015
 - The extended contracts will have the same terms in scope and requirements for providers and provide clarity for both the Council and Walsall Healthcare NHS Trust
- 4.17. All procurement activity will 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.
- 4.18. 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.
- 4.19. Procurement will ensure that all notices which need to be published in order to carry out procurement activity are in line with the Regulations and guidance published by the Cabinet Office.
- 4.20. 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 and local residents.

Property implications

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

Health and wellbeing implications

- 4.22. Continuing to commission these services will enable the Council to promote health and wellbeing for Walsall families and children and fully contribute to the Council's corporate priorities impacting upon all residents across the life course.
- 4.23. Key to the Councils' response to Covid-19 is mitigating the health and wellbeing impact of the pandemic. Covid-19 is having a long-term impact on our children and communities' health and wellbeing. It is the intention of the Council and Public Health to understand this impact and review services based on this learning
- 4.24. 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

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

Reducing Inequalities

- 4.26. One of the key objectives in the Councils' response to Covid-19 is 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.
- 4.27. 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 statutory duty to meet people's needs will remain the same following the award of the extended contracts for the Services.

Consultation

- 4.28. A public consultation was undertaken in 2019 as described in 4.6 to consider the new model. Within this proposal however there is no change planned to the current services. A further workshop consultation process will inform any subsequent proposed service reconfiguration. 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

Cabinet is requested to consider the proposal to extend the Healthy Child Programme contracts as set out on section 4.1 to 4.3 of this report and to agree the recommendations as outlined in section 3.

6 Respond

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

- (a) Progress the award of extended contracts
- (b) Complete the retendering of all the services during the contract extension period.

7. Review

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

- 7.2. Public Health will return to Cabinet in the autumn of 2022 to seek approval to set a new commissioning process into place for the new Healthy Child Programme 0-19 from 01 April 2023

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