

	<b>Decision for Cabinet Member for Public Health &amp; Adult Social Care</b>
	<b>Report from the Corporate Director, Adult Social Care &amp; Health</b>
<b>APPROVAL TO WAIVE CONTRACT STANDING ORDERS TO PERMIT PROCUREMENT OF THE HEALTH EDUCATOR SERVICE THROUGH A DIRECT AWARD</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Non-Key Decision
<b>Open or Part/Fully Exempt:</b> (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
<b>No. of Appendices:</b>	None
<b>Background Papers:</b>	N/A
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Nipa Shah Director of Brent Health Matters Email: nipa.shah@brent.gov.uk

## 1. Purpose of the Report

- 1.1. This report concerns the procurement of the Health Educator service. The appointment of the Health Educator service supports the overall objective of the Brent Health Matters programme, to reduce health inequalities in Brent.
- 1.2. The purpose of this report is to seek member approval to waive Contract Standing Orders to enable a direct award of a contract for the Health Educator service. The case for direct award, as opposed to a full tender process, is set out in the detail below.

## 2.0 Recommendation(s)

That the Cabinet Member for Public Health and Adult Social Care having consulted with the Leader:

- 2.1. Approves an exemption pursuant to Contract Standing Order 84(a) of the requirement to tender a contract for the Health Educator service for a period of 1 year in accordance with paragraph 13 of Part 3 of the Constitution.

### **3.0 Detail**

- 3.1 This report concerns the procurement of the Health Educator service. The overall objective of the Brent Health Matters programme is to reduce health inequalities in Brent. One outcome that will help the programme achieve this is by better equipping residents on the range of services, support, education and advice available which will increase self-care and management of long-term conditions.
- 3.2 The Health Educator service manage a group of Health Educators recruited from the community from diverse backgrounds to coordinate and deliver health education, awareness and signposting to people in the community and provide case support to people with or at risk of developing long-term conditions such as diabetes and hypertension.
- 3.3 Health Educators recruited via a voluntary sector provider better represent the diverse local communities in Brent which helps the programme reach the groups who are not usually heard.
- 3.4 The Council has a current contract with the Health Educator service. This contract will end on the March 31<sup>st</sup> 2023 and it is not possible to extend it further. A business case was submitted to NWL ICB in December 2022 to bid for recurrent funding, which would have provided sufficient funding to run a full tender process for a new contract with a contract length of 3+1+1 years. The business case was unsuccessful and therefore, following a discussion with the Director of Public Health and Managing Director of the ICP, funding for 1 year has been sourced, using resources available within S 256 agreement. This funding is in the sum of £250k
- 3.5 The market for a Health Educator service is extremely limited. It is not considered that a 1 year contract will be attractive to the market. Also, operating a procurement process will lead to delay in the appointment of a provider that in turn will lead to a gap in service provision for several months. Officers consider that waiving the requirement to tender this service appointing a provider by way of a direct award will help to minimise these issues and avoid investment in resources to run the process when it will need to be repeated next year. Recurrent funding will be sourced to run a full tender process in 2024.

### **4.0 Financial Implications**

- 4.1 Officers have sourced funding in the sum of £250k from resources available within S256 that is considered will fully fund the cost of services to be provided under the proposed 1 year contract.

## **5.0 Legal Implications**

- 5.1 In accordance with paragraph 13 of Part 3 of Brent's Constitution, the Leader has delegated certain functions to Cabinet members to be exercised within their portfolio area in consultation with the Leader. This delegation includes agreement of waivers of Contract Standing Orders for Medium and High Value Contracts.
- 5.2 The Health Educator Service, we are proposing to procure are valued at £250,000 over the contract term and the proposed contract is thus classified as a medium Value Contract under Contract Standing Orders. Contract Standing Orders provide that a medium Value Contract should be procured by way of a tender process but for the reasons detailed in the body of the report, Officers do not consider it is possible to procure the contract by way of a tender process.
- 5.3 The value of the services Officers are proposing to procure is below the Public Contracts Regulations 2015 threshold of £663,540 for Schedule 3 services. It is not considered that the services would be of cross border interest. In the circumstances, should the Council award a contract directly, there is not considered to be a breach of domestic law or the Council's own procedures
- 5.4 In reaching any decision to waive Contract Standing Orders, the Cabinet Member in consultation with the Leader should have regard to the reasons Officers have set out in Section 3 of the report.

## **6.0 Equality Implications**

- 6.1 Pursuant to s149 Equality Act 2010 (the "Public Sector Equality Duty"), the Council must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it,
- 6.2 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.3 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.

6.4 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary.

6.5 The proposals in this report have been subject to screening and officers believe that there are no adverse equality implications.

## **7.0 Consultation with Ward Members and Stakeholders**

7.1 The Director of Public Health and Managing Director of the Integrated Care Partnership (ICP), as well as the current voluntary sector provider and partner organisations have been consulted.

## **8.0 Human Resources/Property Implications (if appropriate)**

8.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from the procurement of the contract.

**Report sign off:**

*Cllr Neil Nerva*

Cabinet Member for Public Health and Adult Social Care