



Cabinet
20 January 2016

Report from the Director of Public Health

For Action

Wards affected:
ALL

Agreement to extend the London North West Healthcare NHS Trust contract for health visiting (HV) and Family Nurse Partnership (FNP)

1.0 Summary

- 1.1** The responsibility for commissioning of 0-5 children's public health services transferred from NHS England (NHSE) to local authorities on 1st October 2015. The contract for Health Visiting and Family Nurse Partnership (FNP) services for Brent is held with London North West Healthcare Trust (LNWHT). The current contract is due to expire at the end of March 2016. The contract between the Council and LNWHT for the six month period has a value of £2,563,000.
- 1.2** The Local Authority has a statutory responsibility to ensure the provision of a health visiting service: the mandated requirements are set out at paragraph 3.4. These elements are mandated until March 2017.
- 1.3** The contract with the current provider, LNWHT could be extended to maintain the current service provision by continuing the current (DH specified) service specification and issuing of a local authority contract for the period from 1 April 2016 to 31 March 2017 with an annual value of £5,126,000. The resource for the commissioning of these services will be part of the Public Health grant.
- 1.4** This paper sets out the rationale for the request to extend the current arrangements for the contracting of health visiting and FNP services and outlines the work which has begun to review current arrangements and consider future models.
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2.0 Recommendation

- 2.1 That Cabinet approves the extension of the service provision with LNWHT for 0-5 children's health services for health visiting and FNP from 1st April 2016 to 31st March 2017 on the Department of Health's Public Health terms and conditions for public authorities.

3.0 Detail

- 3.1 The responsibility for commissioning the Healthy Child programme 0-5 children's public health services transferred from NHS England to the Local Authority on 1st October 2015. Brent's health visiting and FNP (Healthy Child Programme 0-5) services are currently provided by London North West Healthcare Trust.
- 3.2 A new six (6) month NHS Standard contract is currently in place with LNWHT which covers the period from 1st October 2015 to 31/3/16 at a cost to the Council of £2,563,000 (six month value). This is a call on the public health grant.
- 3.3 The Local Authority's key responsibilities for children's 0-5 public health are:
- Improving the health and wellbeing of children aged 0-5 years
 - Bringing together holistic approaches to health and wellbeing across the full range of our responsibilities;
 - Optimising the ring-fenced public health budget to improve outcomes for children and their families.
- 3.4 From 1st October 2015, local authorities have a statutory duty to secure the provision of the five mandated elements of the Healthy Child Programme. These are:
- antenatal health promoting visits;
 - new baby review;
 - 6-8 week assessment (*this is the check by the Health Visitor or Family Nurse led check. The GP led 6-8 week check will continue to be commissioned through Primary Care Commissioning*).
 - 1 year assessment; and
 - 2-2½ year review.
- These elements are mandated for 18 months after the transfer to the Local Authority.
- 3.5 The Council is already the commissioner for school nursing services (Healthy Child Programme 5-19). This gives the Council the opportunity to consider joining up the commissioning of the Healthy Child programme for children 0 - 5 years with that for 5-19 year olds. The Council inherited an NHS contract with LNWHT for school nursing. This was re-commissioned in 2014/15 and at its 15 December 2014 meeting Cabinet approved the award of contract for school nursing to Central London Community Health (CLCH) from 1st April 2015 until 31st March 2017 with the potential for two one year extensions thereafter.
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- 3.6 The new local authority responsibility for commissioning of 0-5 children's public health services provides opportunities in the future to achieve synergies with other Council responsibilities for the early years.
- 3.7 The public health team, with Children and Young People and the Clinical Commissioning Group (CCG) have begun a review of children's public health 0-5 services. This is being overseen by the Children's Trust. This includes a needs assessment, stakeholder and parent engagement, and a consideration of alternative models. The intention is that this work will inform a new service specification for either an integrated 0-19 service or more integration with other early years services which will support a procurement during 2016/17 with a view to a new contract being in place for April 2017.

4.0 Financial Implications

- 4.1 The council has a statutory duty to provide a health visiting service, and the elements detailed in para 3.4 are mandated until March 2017. The view is to extend the current contract with the existing external contractor (LNWHT), and this will be fully funded through the PH grant. The annual value for this contract extension (for the period 01 April 2016 to 31 Mar 2017) is £5,126,000.
- 4.2 There will be no additional cost associated with any changes in activity up to March 2017.
- 4.3 The future funding implications are not yet clear as this extension is based on historic activity with an established provider. The activity and service will be scrutinised during the extension period, to estimate the future funding allocation requirement. This will form the basis of the retendering of the contract in 2016/2017.

5.0 Legal Implications

- 5.1 The council currently has entered into a new contract for six (6) months (as apposed to a novation of the NHSE Contract) with the incumbent provider, LNWHT on NHS Standard conditions of contract up to 31 March 2016. The six month period represents the remaining term of the original award of contract made by NHSE (as original statutory commissioners of the 0-5 health visiting and FNP Services) to LNWHT. Officers intend to undertake a comprehensive review of the existing 0-19 services provided in the borough and therefore are seeking Members' approval to extend the current 0-5 service provision so as to enable this review of the service.
- 5.2 The provision of a 0-5 children's health visiting and family nurse partnership service is classed as a 'Schedule 3 service' under the Public Contract Regulations 2015 ("the Regulations"). The proposed one (1) year extension is permissible and governed under regulation 72(b)(i) of the Regulations. Should Members be minded to approve the one (1) year extension to the service then Officers must issue a Contract Award Notice in the Official Journal of the EU ("OJEU") informing the public of the award and information with regards to service provision, citing reasons for the modification to the existing contracting arrangements. In addition, Officers will be advised, should Members approve the recommendation in this report, to give a standstill period of at least 10 calendar days from the date of dispatch of the notice prior to executing the
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proposed one (1) contract with LNWHT on the DH Public Health standard contract for public authorities.

6.0 Diversity Implications

- 6.1 The Council must comply with the Equality Act 2010 and the Public Sector Equality Duty in the provision of Public Health services and adhere to the NHS Constitution when making decisions affecting the delivery of public health in its area.
- 6.2 The requested extension of the current contract for health visiting and Family Nurse Partnership will ensure continuity and consistency of service provision while the Public Health team, Children and Young People's services and the Clinical Commissioning Group are carrying out a comprehensive review of children's public health 0-5 services which aims to achieve added value and further synergies within the wider early years programme. The review is being overseen by the Children's Trust and includes a needs assessment, stakeholder and parent engagement, and a consideration of alternative models.
- 6.3 The review of children's public health 0-5 services will take full account of the diversity of Brent's under 5 population. A full Equalities Impact Assessment will be carried out to inform the reprocurement of the service.

7.0 Staffing/Accommodation Implications

- 7.1 The children's 0-5 public health service is currently provided by an external contractor, LNWHT, and there are no implications for Council staff or accommodation of the recommendation
- 7.2 On a re-tender of any of the services referred to in this report, where an incumbent provider is not successfully awarded a new contract, the Transfer of Employment (Protection of Employment) Regulations 2006, ("TUPE") is likely to apply. This is to enable the transfer of employees and subcontractor's employees (as the case may be) (who spend all or most of their working time on the activities taken over by the new provider) from the current to the new provider.

Background Papers

August 2015 Cabinet Paper - Agreement to novate 0-5 children's public health commissioning 2015/16 contract from NHS England

Contact Officer

Dr Melanie Smith
Director of Public Health
020 8937 6227
