

	<b>Officer Key Decision</b>
	<b>Report to the Strategic Director Community Wellbeing</b>
<b>AUTHORITY TO EXTEND CONTRACT FOR THE PROVISION OF CHILDREN'S PUBLIC HEALTH SERVICES (0-19 YEARS) – HEALTH VISITING AND SCHOOL NURSING</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key Decision
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	None
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Melanie Smith Director of Public Health Email: <a href="mailto:melanie.smith@brent.gov.uk">melanie.smith@brent.gov.uk</a> Tel: 020 8937 6227

## 1.0 Purpose of the Report

- 1.1 This report seeks approval for the Council to extend a contract for the provision of Children's Public Health Services (0-19 years) – Health Visiting and School Nursing for the period of 12 months in accordance with Contract Standing Order 112.

## 2.0 Recommendation(s)

That the Strategic Director Community Wellbeing:

- 2.1 Approves the extension to the current contract for the provision of Children's Public Health Services (0-19 years) – Health Visiting and School Nursing with Central London Community Healthcare NHS Trust for the period of 12 months from 1 June 2020 to 31 May 2021.

### 3.0 Detail

- 3.1 The Council entered into a contract for the provision of Children's Public Health Services (0-19 years) – Health Visiting and School Nursing with Central London Community Healthcare NHS Trust (the NHS Trust") commencing on 1 June 2017. The contract was expressed to be for a period of three years with the option for the council to extend the contract on an annual basis for up to a further maximum period of 2 years.
- 3.2 In October 2019, Cabinet agreed the development of Family Hubs (since renamed Family Wellbeing Centres) as a "hybrid model" with the existing public health 0-19 contract being extended for two years (in accordance with the contract terms at award) and key elements of the existing Children's Centres contract with Barnados being brought in house.
- 3.3 Annual spend on the contract is over £5 million. Officers have been involved in discussions with the NHS Trust for some months regarding proposed increases in the contract price to reflect national Agenda for Change pay rises. The public health grant allocations for 20/21 were not announced by DHSC until 17<sup>th</sup> March 2020, with confirmation that the grant included an adjustment to cover the estimated additional Agenda for Change pay costs. It is therefore considered that there is sufficient budget to meet a price increase. Officers have concluded that in order to ensure continuity of service and to allow the development of the Family Wellbeing Centres, it is necessary to extend the existing contract by a further 12 months, from 1 June 2020 to 31 May 2021.
- 3.4 Under section 3(b) of the table at paragraph 9.5 of Part 3 of the Constitution, Strategic Directors are able to extend contracts and agreements without the need for Cabinet approval:
- (a) provided that the extension would not be in breach of the European Procurement Legislation.
  - (b) provided that the extension does not substantially alter the terms and conditions of the contract.
  - (c) provided that there is sufficient existing budgetary provision.
  - (d) if the extension goes beyond the period of extension provided for in the contract (if any) or is otherwise not in accordance with the extension provisions in the contract:
    - (i) in the case of any contract, agreement, deed or other transaction with a life of not more than one year (including any

- possible extension provided for in the contract) the extension shall not exceed a period of six months; or
- (ii) in the case of any contract, agreement, deed or other transaction with a life of more than one year (including any possible extension provided for in the contract) the extension shall not exceed a period of one year.

- (e) the relevant cabinet member shall be consulted prior to a decision within (d) (i) or (ii) above and may request that the decision instead be referred to them.

3.5 Addressing the points detailed in paragraph 3.4 above, it is considered that the Strategic Director has delegated authority as:

- (a) The contract contains express provision at clause A3.4 permitting the recommended extension. As a result, such extension is permitted in accordance with Regulation 72 (1)(a) of the Public Contracts Regulations 2015.
- (b) As the contract contains express provision permitting the recommended extension, the extension does not substantially alter the terms and conditions of the contract.
- (c) There is sufficient existing budgetary provision for the recommended extension.
- (d) The recommended extension does not go beyond the period of extension provided for in the contract.
- (e) This is not applicable given the recommended extension does not go beyond the period of extension provided for in the contract.

#### **4.0 Financial Implications**

4.1 The contract value for Year 1 of the extension is £5,279,795. However, an uplift will subsequently need to be paid based on the Agenda for Change (AFC) with commissioners, to cover the additional cost of the 2020/21 NHS pay award. Assuming a 2% uplift to the overall contract value, this would lead to a revised cost of £5,385,391.

4.2 The funding for providing this statutory service is included within the 2020/21 Public Health England (PHE) grant of £21,782,245. This grant has increased 4.5% from the level received in 2019/20.

#### **5.0 Legal Implications**

5.1 Contract Standing Order 112 (a) provides that contracts may be extended in accordance with the provisions for extension contained in

the contract if the parties agree and if the relevant Chief Officer is satisfied that the extension will achieve best value and is reasonable in all the circumstances.

- 5.2 The Strategic Director Community Wellbeing is able to exercise delegated authority to agree the extension for the reasons detailed in the body of the report at paragraphs 3.2 and 3.3.
- 5.3 As the annual spend on the contact is over £5 million, any decision to extend the contract for a further year is classed as a key decision under the Council's constitution.

## **6.0 Equality Implications**

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

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

- 7.1 The extension of the public health 0-19 years contract formed a key part of the plans for the development of Family Wellbeing Centres, then known as Family Hubs, which were the subject of extensive consultation during 2019

## **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 extending the contract.

**Report sign off:**

**MELANIE SMITH**  
Director of Public Health.