

	Decision of Cabinet Member for Public Health and Adult Social Care
	Report from the Director of Public Health
AUTHORITY: APPROVAL TO VARY AND EXTEND THE CONTRACT FOR INTEGRATED SEXUAL HEALTH SERVICE WITHIN OUTER NORTHWEST LONDON WITH LONDON NORTHWEST HEALTHCARE TRUST	

Wards Affected:	All wards
Key or Non-Key Decision:	Key Decision
No. of Appendices:	None
Background Papers¹:	None
Contact Officer(s): (Name, Title, Contact Details)	Dr Melanie Smith, Director of Public Health Email: melanie.smith@brent.gov.uk Tel: 0208 937 6227 and Miss Isoken Aiyanyo Aigbekaen Sexual Health Commissioning Manager .

1.0 Purpose of the Report

1.1 This report concerns the contract between the Council, Harrow and Ealing Councils and the London Northwest Healthcare Trust (LNWH) for the provision of an Integrated Sexual Health Service across Outer Northwest London sub region of the London Sexual Health Programme. This report requests individual Cabinet Member approval to vary and extend the contract in accordance with paragraph 13 of part 3 of the Constitution.

2.0 Recommendation(s)

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

- 2.1 agrees the variation of the current contract term that permits two yearly extensions, to extension of the contract for a single 4 year period;
- 2.2 agrees extension of the contract for a period of 4 years until 31 July 2026;

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2.3 agrees the spending of £9,383,376 (at £2,345,844 per annum) for the service.

3.0 Detail

3.1 Local authorities, have a mandated responsibility to provide open-access sexual health services for its residents. Sexual health is an essential part of good health and wellbeing.

3.2 On 15 December 2015 Cabinet approval was obtained for Brent Council to participate in the Outer Northwest London sub region of the London Sexual Health Programme (ONWL) sub-regional arrangement in collaboration with Ealing and Harrow Councils comprising Genitourinary Medicine (GUM), Contraception (CASH) and other commissioned sexual health services (including primary care and outreach). The ONWL contract, an integral part of the London Sexual Health system which was integrated with the then new London e-service was awarded to the London Northwest Healthcare Trust (LNWH) by delegated Key Officer decision.

3.3 Sexual Health Services have been negatively impacted by COVID 19, despite this, Local services have adapted rapidly and flexibly to ensure continued service provision for Brent residents. Officers anticipate that the extension will ensure stability within the London Sexual Health system during this critical time for the NHS in the COVID 19 pandemic and will ensure mandated sexual health services are locally accessible for Brent residents. The contract period will also align with the partner Council's plans (Ealing and Harrow) to extend this joint contract for 4 years.

3.4 Brent Council are satisfied with the current contract delivery and the flexibility of the Service within the ongoing context of the COVID 19 pandemic to ensure continued service delivery, aligned with government guidance and tailored to groups with Highest clinical and social needs. By extending the contract, the Brent Council aims to achieve:

- service stability and recovery for local sexual health services, which have been impacted negatively by COVID 19;
- sustained access to local sexual health services for Brent residents, including access to clinical services located within the borough;
- a reduction in barriers to sexual health services, particularly for those in;
- greatest clinical and social need;
- a reduction in health inequalities in sexual health amongst different groups;
- improved sexual health for individuals;
- improved population health outcomes;
- continued collaboration with the ONWL sub-region (Ealing, and Harrow, Councils), London Councils and local providers and NHS commissioners on ongoing service;
- improvement to meet needs as an integrated sexual health system.

- 3.5 Under section 3(b) of the table at paragraph 9.5 of Part 3 of the Constitution, Chief Officers are able to vary contracts and agreements without the need for Cabinet approval, provided that the extension, variation, renegotiation, novation or assignment would not be in breach of the European Procurement Legislation; does not substantially alter the terms and conditions of the contract; that there is sufficient existing budgetary provision; and that in the case of any variation (other than an extension), the total value of the variation is less than £1 million and if the total value of the variation is more than £50k it is not more than 50% of the original contract value (calculated over the life of the contract including any extensions or possible extensions and adjusted in accordance with any price review mechanism provided for in the contract).
- 3.6 In accordance with paragraph 13 of Part 3 of the Constitution, the Cabinet Member has consulted the Leader in connection with the Recommendations.
- 3.7 The Individual Cabinet Member is asked to give their approval to these proposals as set out in the Recommendations and in accordance with the Constitution.

4.0 Financial Implications

- 4.1 No new funds are being sought. The Public Health Grant will fund this service.
- 4.2 The actual spend against the available budget relating to existing contract with London Northwest Healthcare Trust (LNWH) over the last 3 years are as follows.

LNWHT ONWL Sexual Health Contract	2019/2020	2020/2021	2021/2022
Actual Spend to date	£1,857,653	£2525390	£970,051
Budget	£2345,844	£2345,844	£2345,844
(Under)/ Over Spend	+£488191	-£179,546	

- 4.3 Any under /overspend within LNWHT ONWL Sexual Health contract would be absorbed by underspend within Public Health grant.
- 4.4 Based on 21/22 budget allocation the available budget for this contract over the next 4 years are as follows.

ONWL	2022/2023	2023/2024	2024/2025	2025/2026

Budget	£2,345,844	£2,345,844	£2,345,844	£2,345,844
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5.0 Legal Implications

- 5.1 The contract is a Schedule 3 service contract under the Public Contracts Regulations 2015 (Procurement Regulations) and it was procured in accordance with the requirements of the Procurement Regulations as the original contract value was above the threshold for Schedule 3 service.
- 5.2 Clause B22 of the contract provides that the Parties may from time to time during the term of this Contract, by written notice to the other Parties initiate, agree and conclude a Variation. Such Variation(s) may be in relation to the Service for its residents, its individual obligations and rights and the Service it pays for and receives or may be in respect of the Contract as a whole.
- 5.3 Under the Procurement Regulations, contracts may be modified (including extensions and variations) during the contract term, without commencing a new procurement in the circumstances set out in Regulation 72 of the Public Contracts Regulations 2015. Contracts may be modified under regulation 72(1)(a) where the modification irrespective of their monetary value have been provided for in the initial procurement document in clear, precise and unequivocal review clauses, or options. Clause A3.4 of the contract provides that the contract period may be extended for up to four years in two yearly increments on 6 months written notice and Officers wish to vary the terms to permit one extension of 4 years so that the contract can align with the supplier agreement. Based on the information provided in the body of this report the variation would not be in breach of the Procurement Regulations.
- 5.3 Cabinet Members have delegated to them, authority under Paragraph 13 of Part 3 of the Constitution, to agree extension, variation or termination of contracts where Chief Officers are not able to approve such extension and/or variation under paragraph 9.5 of Part 3 of the Constitution. For the reasons set out in this report, it is considered that the Cabinet Member for Public Health and Adult Social Care, having consulted with the Leader has such delegated authority to approve the recommendations in paragraph 2 of this report.

6.0 Equality Implications:

- 6.1 The Council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation; advance equality of opportunity between persons who share a relevant; protected characteristic and persons who do not share it; and foster good relations between persons who share a relevant protected characteristic and persons who do not share it, pursuant to s149 Equality Act 2010. This is known as the Public Sector Equality Duty.

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 The purpose of the duty is to enquire into whether a proposed decision disproportionately affects people with a protected characteristic. In other words, the indirect discriminatory effects of a proposed decision. Due regard is the regard that is appropriate in all the circumstances.

6.4 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 There has been consultation with the lead Cabinet member for Public Health and Adult Social Care, and the Leader regarding this matter when seeking authority to extend the contract.

8.0 Human Resources/Property Implications

N/A

9.0 Public Services (Social Value) Act 2012

The Council is under duty pursuant to the Public Services (Social Value) Act 2012 (“the Social Value Act”) to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation. Officers have had regard to considerations contained in the Social Value Act in relation to the procurement

9.2 The services provided under the Integrated Sexual Health Service are for the improvement of the economic, social and environmental well-being of Brent Borough.

Related documents:

[Decision - Award of contract for integrated Sexual Health Reproductive Services \(SRH\) for the Outer North West London \(ONWL\) sub-region \(brent.gov.uk\)](#)

Report sign off:

Dr Melanie Smith
Director of Public Health