

	CHIEF OFFICER IN CONSULATION WITH COMMITTEE CHAIRMAN DELEGATED POWERS REPORT
Title	Healthy Child Programme procurement – Health Visiting and School Nursing, (Including Healthy Weight Nurses, Oral health and Infant Feeding)
Report of	Councillor Stock – Health and Wellbeing Board Tamara Djuretic - Joint Director of Public Health and Prevention for Barnet Council and Royal Free
Wards	All
Status	Public
Enclosures	None
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Summary

1. Following a Policy and Resources committee decision in February 2018 and a Council Officer decision in May 2019, the Healthy Child programme services were tendered using the council procurement portal in September 2019 and 2 bids were received.
2. One of the bids was financially non-compliant and following legal advice was disqualified. The remaining bid was evaluated and moderated according to council procurement and legal processes.
3. A Committee Chairman Delegated Powers report was published in July 2019 for a 3 year plus one year plus one year contract term with a c£25 Million budget.
4. The re-procurement of the service will be delivered within planned 2020 budget (£4,961,618). The successful bidding organisation submitted a bid with a total annual budget of £4,906,618 for the three years.
5. This DPR is requesting an award agreement following the procurement process.

Decisions

- 1. The Healthy Child Programme services contract should be awarded to Whittington Health via a Section 75 partnership agreement with a start date of 1 April 2020 for a 3 year contract term and the option of a one year + one year contract extension. This would be a total contract value of c£25 million.**

1. WHY THIS REPORT IS NEEDED

- 1.1 Following due council procurement and legal process, the award decision requires sign off before the winning bidder can be informed.

2. REASONS FOR RECOMMENDATIONS

- 2.1 Whittington Health submitted a bid that demonstrated its ability to deliver the Healthy Child Programme services as specified within the specification and accompanying documents. They demonstrated that they have experience of delivering similar services within the North Central London STP footprint, in Haringey and Islington and that they share the values of Barnet council and are experienced in putting children and families first.
- 2.2 The procurement process was carried out between September and November and involved service users in both the method question setting and the interviews. It was carried out in accordance with the Council's Contract Procedure Rules and legal

processes. Following a moderation board a recommendation was presented to the Healthy Child Programme Board for decision on the 14 November 2019.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 None - Procurement processes were followed.

4. POST DECISION IMPLEMENTATION

4.1 The Healthy Child Programme services – will be awarded to Whittington Health via a section 75 partnership agreement that enables the level of integration desirable for Barnet children and families.

4.2 Barnet council commissioners will work with the current provider and the new provider to ensure a smooth transition of services with minimal disruption to staff and service users.

4.3 The Healthy Child programme board will oversee the transition from current to new provider ensuring safety, quality and continuation of service are paramount.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 One of Barnet's 2024 Corporate Plan outcome is to improve services for children and young people and ensure the needs of children are considered in everything we do. The Healthy Child Programme contract award will achieve population prevention aims and better integration of services at the point of delivery. This service will also help Barnet meet its priorities for reducing obesity, improving oral health, support children to have healthy start, improve school readiness and promote greater integration of services with social care, early help and children's centres. The Barnet children and young people's plan 2019 – 2023 has a vision focused on making Barnet an even better place to live for all families. The young people at the youth convention wanted improved health education and access to health support which a fully integrated model. The Healthy Child Programme contract award will contribute to this vision.

5.1.2 Best Start in Life is one of the Health and Wellbeing Strategy's priority and commissioning of mandatory Healthy Child Programme contributes to this priority.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 Healthy Child Programme is a mandatory service funded by the Public Health Grant.

5.2.2 Recurrent budget savings on current spending have been included within the financing of the procurement as indicated below. The proposed model in the service specification makes effective use of resources.

5.2.3 The available ongoing annual budget is £4.962m. The new contract will cost:

Detail	Price Y1	Price Y2	Price Y3
Bid price per annum for delivery of service as per specification:	£4,906,618	£4,906,618	£4,906,618

so the Public Health budget will not face financial pressure during this contract term for the HCP services.

5.2.4 There are Transfer of Undertaking (TUPE) implications which are covered within the contract price

5.2.5 Only one compliant tender was received (Whittington) The council seeks to rely on Rule 6.2 (Single Tender Action) of the Council's Contract Procedure Rules (CPRs), which states "*Where a competition has been undertaken and only a single bid has been received, the Commercial & ICT Services Director can approve the award of a Contract, subject to an appropriate review being undertaken and an audit trail being available for inspection*". The Commercial Director has been consulted as required, and Approval has been granted.

5.2.6 This award of contract is subject concurrence to single tender authorisation in accordance with Contract Procedure Rules 6.2

5.3 Social Value

5.3.1 The Public Services (Social Value) Act 2012 requires people who commission certain public services to think about how they can also secure wider social, economic and environmental benefits.

5.3.2 The Healthy Child Programme ensures an efficient health and wellbeing service for children and families whilst delivering benefits to individuals in a coordinated fashion. The programme also includes supporting parents and young people when they need it and providing the right amount of advice to individuals to develop the skills they need to make choices for their own well-being in the future. Services working together derive social capital from each other and this in turn supports a collaborative approach towards sustainability within an ever-changing economy.

5.4 Legal and Constitutional References

Under the Council's Constitution, Contract Procedure Rules (the CPR), Table A, Acceptance Process and Documentation in relation to a Procurement with a value of more than £500,000 which has been agreed by the Policy and Resources Committee via the Annual Procurement Forward Plan is through Full Officer Delegated Powers Report of Chief Officer in Consultation with the Chairman.

5.4.1 The Section 75 partnership agreement is excluded from the scope of the Public Contract Regulations (PCRs). Regulation 12 of the PCRs outlines situations where Public

contracts between entities within the public sector are excluded. The establishment of a section 75, whereby delegation of duties are assigned to the Health Authority are not required to be procured.

5.4.2 Furthermore, parties to a Section 75 Agreement must be a public authority and NHS Body as defined by the NHS Act 2006. Any advertising of the Section 75 Agreement on Official Journal of European Rule (OJEU) would have to specify that only NHS Bodies could bid, this may be considered discriminatory to other providers who are not NHS Bodies but are still able to provide the service. It would therefore not be advisable to procure the section 75 Agreement under the PCRs. A comprehensive service contract might be explored as the other option to a section 75 Agreement. A service contract would be subject to the PCRs.

5.5 Risk Management

5.5.1 The procurement of the Healthy Child Programme was completed within Barnet council procurement and legal procedures.

5.5.2 The procurement project plan has a comprehensive risk register which is monitored at the Healthy Child Programme board on a monthly basis and mitigation actions discussed.

5.5.3 Risks identified include the transition of estates, data and IT between providers in a timely way and delivery of the whole service specification within the stated contract budget. These will be mitigated by collaborative transition meetings during the mobilisation transfer phase and clear discussions with Whittington Health about contract delivery metrics within the section 75 partnership agreement.

5.6 Equalities and Diversity

5.6.1. A Healthy Child Programme Board was established to oversee procurement and implementation of this service contract.

5.6.2. The Public Sector Equality Duty at s149 of the Equality Act 2010 applies to local authorities who as public authorities must, in the exercise of their functions, have due regard to the need to eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the 2010 Act and 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. The protected characteristics are - age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

5.6.3. The Healthy Child Programme is universal service offered to all children and young people across the borough, with a specific focus on those who are from vulnerable families. Section 149 of the Act imposes a duty on 'public authorities' and other bodies when exercising public functions to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

5.7. Consultation and Engagement

- 5.7.1. Reviews of the services have involved wide consultation with multi agency stakeholders including the consultant for public health; the clinical lead in the clinical commissioning group. A stakeholder reference group has met three times to discuss the new delivery model and recommend how it could be improved and embedded into Barnet. This reference group has included a community paediatrician; voluntary sector representatives; early help and children centre managers as well as members of the early years and public health nursing teams.
- 5.7.2. A service user and stakeholder feedback exercise was completed in March 2018 with a total of 449 respondents to the online and paper questionnaires. Responses were compiled into a report and were used to direct the remodelling of the services delivery offer. This new model, reflecting the healthy child programme offer, places the services in a good position to transfer in house.
- 5.7.3. The procurement process has involved seeking service users views and involvement including the commissioner holding a young people focus group discussing the requirements of an organisation to deliver the healthy child programme contract and also contributing to the method statements and also a question at the interview. A parent set the presentation question which bidders had to answer and was an interview panel member.

5.8 Insight

- 5.8.1 This report is written within the context of the Joint Strategic Needs Assessment 2015 – 2020 and the requirements of the people of Barnet for a seamless service that takes into account their changing needs. The healthy child programme is a national model for health visiting and school nursing and places them with a lead role in the delivery and coordination of care for children and families

5.9 Corporate Parenting

5.9.1 There are no implications for the London Borough of Barnet's corporate parenting responsibilities with this contract.

6. BACKGROUND PAPERS

P&R Committee February 2018 –

<https://barnet.moderngov.co.uk/documents/g8742/Printed%20minutes%2013th-Feb-2018%2019.00%20Policy%20and%20Resources%20Committee.pdf?T=1>

Line 303 of the Annual Procurement Forward Plan agreed by the Policy and Resources Committee <https://employeeportal.lbbarnet.local/home/departments-and-services/internal-support-services/procurement/Procurement-Toolkit---Useful-Documents.html>

Chief officer decision 21 May 2019



Chief Officer Decision
HCP _ PHN services V

Delegated powers report 15 July 2019
<https://barnet.moderngov.co.uk/ieDecisionDetails.aspx?ID=7314>

Chairman:
Has been consulted
Signed

Date 3.12.2019

Chief Officer:
Decision maker having taken into account the views of the Chairman
Signed

Date 3.12.2019
