

	<h2>CHIEF OFFICER IN CONSULTATION WITH COMMITTEE CHAIRMAN DELEGATED POWERS REPORT</h2>
Title	Healthy Child Programme Extension – Health Visiting and School Nursing, (Including Healthy Weight Nurses, Oral health and Infant Feeding)
Report of	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. The Healthy Child Programme is a mandated Public Health function.
2. 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.
3. A Committee Chairman Delegated Powers report was published in July 2019 for a three year plus one year plus one year contract term with a c£25m budget.
4. 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.
5. The tender was awarded to the Whittington Health NHST on 6 December 2019, but following withdrawal of their tender on 8 January 2020 the service contract with CLCH was extended for 18 months, which also took into account the Coronavirus pandemic (Lockdown 1).

5. Following the extended pandemic, it was necessary to extend the current contract with Central London Community Healthcare for 6 months to March 31 2022 to allow time for a new procurement process to be completed and taking into account the Coronavirus flu pandemic, which would make it difficult for Health Trusts to write bids in the immediate future.
6. Following this extension, no further extensions are legally possible so strategic agreement has been sought to re-procure the services with a budget of £5.3m.

Decisions

A procurement for a 3 year contract term and the option of a one year + one year contract extension to be carried out in accordance with council procurement processes for 2022 to 2025. This would be a total contract value of c£26,650m.

1. WHY THIS REPORT IS NEEDED

- 1.1 Following due council procurement and legal process, the awarded organisation withdrew their tender which required a contract extension to deliver the services and a new procurement process to commence.

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 and were therefore awarded the contract. On 8 January, post award, Whittington Health unexpectedly withdrew their tender leaving the services unprocured from 1 April 2020. A number of conversations ensued between the Council and Whittington Health in an effort to salvage the procurement and award of contract however this was to no avail.
- 2.2 The procurement process will need to be recommenced, as Health Trusts are now able to engage in a procurement process, unlike at the height of the pandemic. This required a contract extension for twelve months to 30 September 2021 and a further contract extension to 31 March 2022 to allow for an organised and planned procurement process to be put in place so organisations can bid for the services and an extended mobilisation period if the current provider is not successful to help continuity and stability for the services.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Do nothing was considered, but this would have meant that the service would have ceased which was not a palatable option considering the service provision is essential and mandated for children and families in Barnet.
- 3.2 In – house option was considered, but is not recommended at this time. The reasons include the risks of recruitment and retainment of NHS staff within the council; the extensive clinical governance procedures that would need to be put in place including a preparation for CQC inspection and social care readiness to receive the services.

4. POST DECISION IMPLEMENTATION

- 4.1 The Healthy Child Programme 0 – 19 services – will be put out to tender in accordance with council procurement processes.
- 4.2 Barnet Council commissioners will work with the current provider to ensure services are delivered in accordance with the service specification while the procurement process is undertaken.
- 4.3 The Healthy Child Programme Board will oversee the tender process to ensure safety, quality and continuation of service, which are paramount.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 One of Barnet's 2024 Corporate Plan outcomes 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 reprocurement 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 reprocurement 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.
- 5.1.3 The Health and Wellbeing strategy 2021- 2025, has a priority to 'Improve children's life chances' stating that Barnet 'will improve children's life chances by supporting their health and wellbeing from very early age and through to their transition into adulthood.' The Healthy Child Programme is instrumental in helping Barnet to achieve this priority.

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

5.2.1 The Healthy Child Programme is a mandatory service funded by the Public Health Grant (currently £17.817m in 2021/22).

5.2.2 The proposed budget for the reprocurement is £5.330m per annum with an approximate total contract value of £26.650m.

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

5.3 Legal and Constitutional References

The critical nature of the services means that the Council must continue to ensure its provision. The unforeseeable chain of events commencing with the failed procurement and then the pandemic has left the Council in exceptional circumstance which has meant that the Council has had to resort to relying on several contract extensions under Regulation 72 of the Public Contract Regulations 2015 (Regulations). The Regulations permits extensions or modifications of a contract without a new procurement where the need for the modification/ extension has been brought about by circumstances which a local authority could not have foreseen and this doesn't result in an increase in price which exceeds 50% of the value of the original contract. It is unlikely that the Council can compliantly rely on Regulation 72 for a further extension of their current contract.

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 £1,000,000 is subject to authorisation by the appropriate theme committee. Further guidance provided by the Governance has clarified that the requirement under section 4.3 of the CPR to seek authorisation through the appropriate Theme Committee relates to projects/programmes of higher value that involve construction/strategic contracts which are in particular subject to capital programme funding/budgets. Therefore, for the purpose of this decision, the appropriate commencement documentation is via a full DPR in consultation with the Theme Committee Chairman, given the previous decision authorisation on the Annual Procurement Forward Plan.

5.4 Insight

5.4.1 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

5.5. Social Value

5.5.1 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.

5.5.2 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.

5.6 Risk Management

5.6.1 Agreeing the procurement mitigates the risks to the Council of ceasing the contract and not providing the services.

5.6.2 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.

5.6.3 Risks identified include the lack of future bidders for the procurement and the possibility of poor bid content as well as potential risks to procurement timelines.

5.7 Equalities and Diversity

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

5.7.2 The Public Sector Equality Duty at section 149 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. As well as 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.

5.7.3 The Healthy Child Programme is a 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.

5.8 Corporate Parenting

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

5.9 Consultation and Engagement

5.9.1 Previous 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.

5.9.2 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.

5.9.3 Due to the timescale of the unsuccessful procurement process and the need to ensure business continuity urgently, no consultation took place around the previous extensions.

5.9.4 A commissioner led service user and stakeholder feedback exercise is currently just closing and while its responses will not inform the reprocurement exercise they will be part of the mobilization phase and help to determine any amendments to the service delivery model post contract award.

6. BACKGROUND PAPERS

6.1 Policy & Resources Committee February 2018 – Item 10, Public health nursing
<https://barnet.moderngov.co.uk/documents/g8742/Printed%20minutes%2013th-Feb-2018%2019.00%20Policy%20and%20Resources%20Committee.pdf?T=1>

6.2 Line 272 of the Annual Procurement Forward Plan agreed by the Policy and Resources Committee [Appendix 1 Annual Procurement Forward Plan 202122.pdf \(moderngov.co.uk\)](#)

6.3 Chief officer decision 21 May 2019



Chief Officer Decision
 HCP _ PHN services V

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

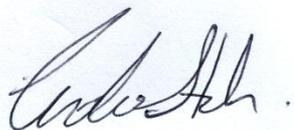
6.5 Chief Officer in consultation with Chairman Delegated Powers report published 12.12.2019
<https://barnet.moderngov.co.uk/ieDecisionDetails.aspx?ID=7422>

6.6 Chief Officer in consultation with Chairman Delegated Power report published 23.4.2020
<https://barnet.moderngov.co.uk/ieDecisionDetails.aspx?ID=7482>

6.7 Chief Officer in consultation with Chairman Delegated power report published May 2021
<https://barnet.moderngov.co.uk/ieDecisionDetails.aspx?ID=8624>

Chairman:
Has been consulted

Signed:



Date 26/07/2021

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



Signed

Date 26/07/2021

