

Subject:	Public Health Community Nursing Contract		
Date of Meeting:	Adult Social Care & Public Health Sub-Committee		
Report of:	Robert Persey		
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Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The report asks for agreement to extend the current Public Health Community Nursing (PHCN) contract for up to a two year period from April 2022.
- 1.2 The PHCN contract delivers the city's health visiting and school nursing services. This report details the rationale for an extension of the current contract in order to provide continuity of service in the context of the pandemic and at a time of national change to the commissioning and delivery of health services.

2. RECOMMENDATIONS:

- 2.1 That the Sub-committee agrees to extend the existing Public Health Community Nursing (PHCN) contract.
- 2.2 That the Sub-committee agrees to extend the contract for one year, with the option of a further one-year extension.
- 2.3 That the Sub-committee grants delegated authority to the Executive Director of Health and Adult Social Care to further extend the contract for a further one year subject to satisfactory performance.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 This proposal was approved for report to the Adult Social Care & Public Health Sub-Committee by the Procurement Advisory Board on 26th July 2021.
- 3.2 The PHCN contract encompasses the delivery of Health Visiting and School Nursing services in the city and is currently delivered by Sussex Community Foundation Trust (SCFT). Health Visiting teams are based in the City's Children's Centres alongside Community Midwifery teams and are supported by Early Years Coordinators employed by the Council.

- 3.3 The Health Visiting service provides a three tier intervention model comprising a universal offer to all mothers, babies and their partners, early help for those that require some extra support and targeted support for vulnerable families with multiple and complex issues.
- 3.4 The School Nurse Team is based at Seaside View and provides health and wellbeing support to pupils in early years, primary, secondary and sixth form settings alongside delivery of vision and hearing screening and National Child Measurement Programme screening in primary schools.
- 3.5 The provider Sussex Community Foundation Trust has met or exceeded the key performance indicators throughout the four years of the current contract. The pandemic impacts on some areas of performance due to restrictions and NHS staff deployment however the provider has now recovered in all performance areas.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

For more detailed information on the options outlined here please see Appendix 1 to this report.

Option 1: Variation to contract for a two year extension (preferred)

The national commissioning context for health services is set to change

- 4.1 The Government's White Paper 'Integration and Innovation: Working together to improve health and social care for all' Feb 2021 proposes a national shift towards integrated and partnership working between local authorities and NHS providers. This proposal to extend the current arrangements by up to two years therefore reflects the spirit of the legislation in working more collaboratively between existing NHS commissioners and providers especially where there is a proven track record of delivery'

Positioning the current contract in the Sussex context

- 4.2 Health Visiting and School Nursing is also provided by SCFT in West Sussex.

The current PHCN contract in West Sussex, is to March 2023. There is a proposal in motion to request an extension to March 2024.

There are advantages to aligning the two contract periods:

- delivering population needs assessments and stakeholder engagement at the same time will provide richer intelligence on the needs of patients with greater health vulnerabilities and on the needs of those working and living across geographical boundaries and accessing midwifery services across the area.
- providing the right timescales to explore aligned partnership arrangements should there be a clear case for benefits to both Councils and the quality of services delivered to our individuals and communities

The impact of the pandemic on the service

- 4.3 SCFT has consistently met or exceeded targets and has shown willingness to flex and prioritise in consultation with the Public Health team. There is therefore a strong rationale that the current and future needs of families in Brighton and Hove is best delivered through retaining stability with SCFT as a proven provider.

Continuity and Connectivity of Health pathways

- 4.4 As a local NHS Trust, the service is currently delivered by a public sector partner, operating within Brighton and Hove. The service requires specialist and established clinical infrastructure expertise and staffing. Health Visiting benefits from a strong interface with Midwifery services provided by University Hospitals Sussex.

Option 2: Proceed with a full market tender for a new contract in time for April 2022

- 4.5 Although the value of the contract is high, there are substantial fixed costs which may potentially render it unattractive to the market with approximately 90% of costs in salaries governed by NHS pay schemes which cannot be amended and would continue to be comparable in the event of a TUPE transfer. For this reason a viable alternative provider is very unlikely to come forward
- 4.6 Given the current contract ends March 2022 it is likely that an extension to the current contract would be required to provide enough time to complete the appropriate procurement process and the shortened process would limit the range and depth of stakeholder activity and needs assessment.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Preferred Option 1 will provide the necessary timeframe to conduct stakeholder engagement and a needs assessment for Health Visiting and School Nursing to inform a revised specification for the service going forward that reflects the needs of families with the ongoing impacts of the pandemic and deepening health inequalities.

6. CONCLUSION

- 6.1 Officers recommend Option 1 as providing the best value for money and continuity of a quality service for families in the City whilst positioning the commissioning of the PHCN to take advantage of the future flexibilities offered in the Government White Paper.
- 6.2 Subject to approval officers will offer the provider:

A contract extension for up to two years until end of March 2024, with the second year of this extension (from 1st April 2023) subject to review and agreement between both parties.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The existing Community Nursing contract, which includes the delivery of Health Visiting and School Nursing services as part of the Healthy Child Programme, sits within the ring-fenced Public Health grant (Health & Adult Social Care directorate).
- 7.2 The budget for this contract is £4.952m in 2021/22 and has been assumed for 2022/23 and 2023/24. However, the Public Health grant allocation has not been confirmed beyond financial year 2021/22 which may impact on the availability of funding, though it is anticipated that financial resources will be available to enable the commissioning of the services detailed above up to March 2024.
- 7.3 Any re-provision of this service will need to be managed within the budget available.

Finance Officer Consulted: Sophie Warburton

Date: 30/07/2021

Legal Implications:

Regulation 72(1)(e) of the Public Contracts Regulations 2015 permits contracts to be modified without a new procurement procedure where the modification is not substantial within the meaning given to the term substantial set out in Regulation 72(8) of the Public Contracts Regulations 2015.

A modification is substantial if it renders the contract materially different in character from the original contract, changes the economic balance in favour of the contractor in a manner not provided for in the original contract, extends the scope of the contract considerably or if it introduces conditions that had they been part of the initial award procedure, would have changed who bid for or won the contract. If there was a legal challenge, the court would consider all relevant factors, including the length and value of the extension when determining whether it was substantial. However, the risk of challenge is considered to be low as the fixed costs of the contract are high and the profit margin is low.

Lawyer Consulted: Sara Zadeh

Date: 24/08/21

Equalities Implications:

- 7.8 There are no TUPE considerations in the preferred Option 1. An Equalities Impact Assessment will be undertaken as part of the next procurement process for the service. The provider is working to the contract specification and will be expected to continue to deliver the three tier intervention approach in line with the national Healthy Child Programme recommendations.

Sustainability Implications:

- 7.9 Continuation of the existing service assumes that existing staff and buildings remain in their current locations within Brighton and Hove. Over the life of the current contract, service delivery has maximised the benefits of co-location with Children’s Centres and community midwifery services. This ensures travel, for both staff and people using the service, is reduced, and focused on community based delivery of appointments and groups

Brexit Implications:

- 7.10 There are no direct impacts caused by the UK’s exiting the EU on the recommendations in this report

Any Other Significant Implications:

- 7.11 None

Crime & Disorder Implications:

- 7.12 There are no immediate effects on preventing crime and disorder in this proposal

Risk and Opportunity Management Implications:

- 7.13 The main risk with proceeding with the proposed option is the risk of legal challenge – this is covered in the legal implications at 7.

- 7.14 The White Paper on social care and health commissioning will provide more options for procurement of this service; by extending the current contract to March 2024 we take advantage this flexibility

Public Health Implications:

- 7.14 The Public Health Community Nursing provides a key health service to children, young people and families in the City. This proposal provides for the best continuity and quality of that service in the short term and the widest range of options for commissioning and delivering a quality service that meets the needs of families in Brighton and Hove in the long term.

Corporate / Citywide Implications:

- 7.15 The City’s Health and Wellbeing Strategy and Starting Well Delivery Plan identify early years services as a priority alongside a focus on the emotional health and wellbeing of children and young people.

- 7.16 Health visiting is a key service providing universal, early help and safeguarding services and interventions to all families in the City with babies and children. School Nursing is a key school age service that contributes directly to children and young people’s wellbeing.

SUPPORTING DOCUMENTATION

Appendices:

1. Further detail on Options 1 and 2 in this report
2. Contract key performance targets and indicators for 2019-2021

Background Documents

1. Integration and Innovation: Working together to improve health and social care for all, Secretary of State for Health & Social Care February 2021 [Integration and innovation: working together to improve health and social care for all \(HTML version\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/91222/integration-and-innovation-working-together-to-improve-health-and-social-care-for-all-2021-02-01.pdf)