



<b>Report for:</b>	Cllr Morton – Cabinet Member for Health and Wellbeing 30 March 2015	<b>Item Number:</b>	
<b>Title:</b>	Waiver of Contract Standing Orders to approve the novation and extension of the contract to deliver Healthwatch functions from the Haringey Citizens' Advice Bureaux to Public Voice		
<b>Report Authorised by:</b>	Zina Etheridge, Deputy Chief Executive		
<b>Lead Officer:</b>	Charlotte Pomery, Assistant Director, Commissioning		
<b>Ward(s) affected:</b> NA	<b>Report for Key/Non Key Decisions:</b> Key		

## **1. Describe the issue under consideration**

- 1.1 The current Healthwatch Haringey contract is between the Council and Haringey Citizens Advice Bureaux and runs from 1 April 2013 to 31 March 2015.
- 1.2 The Council wishes to extend the contract for a year, under Clause 3.2 of the terms and conditions of the contract.
- 1.3 In line with national guidance and local requirements, Healthwatch Haringey has become a Community Interest Company called Public Voice CIC.
- 1.4 All parties – the Council, HCAB and Public Voice – are in agreement to novate the contract so that the contractual liabilities for delivering a healthwatch function are met by Public Voice.
- 1.5 The purpose of this report is to seek approval to extend the contract for one year and novate the contract for Healthwatch Haringey from HCAB to Public Voice.
- 1.6 The annual value of the proposed extension to the contract is £180, 000. This is a decrease of £20, 000 against the previous annual value of the contract.



1.7 The budget for this service sits in the Commissioning Unit.

## **2. Cabinet Member introduction**

- 2.1 Nationally, Healthwatch replaced Links in 2013 with the aim to provide an independent view, representative of the public, on health and social care. Healthwatch exists to ensure patients, service users and local people have an opportunity to influence and challenge decision making about local health and social care services. These are fundamental and important functions which have an impact on how services are planned, funded and delivered in the future.
- 2.2 Developing an effective voice for local residents, patients and users across care groups is not something which can be achieved overnight and I am therefore recommending extension of this contract to enable the work to continue as the organisation becomes fully established, especially in its new form as a community interest company.

## **3. Recommendations**

3.1 It is recommended that the Cabinet Member for Health and Wellbeing:

Approve the contract extension and novation of the Haringey Healthwatch contract from HCAB to Public Voice.

## **4. Alternative options considered**

- 4.1 Consideration has been given to the option of taking the Healthwatch Haringey contract through a tender process. It was considered not to be in the Council's interest to undertake a costly and time consuming tender exercise at this time. This is partly in recognition of the fact that there is a limited social enterprise market from which a potential provider may be identified and yet national guidance requires that a social enterprise deliver the service. In addition, the previous procurement for delivery of a healthwatch function in Haringey was unsuccessful and HCAB stepped in to deliver the service.
- 4.2 Further, Haringey Healthwatch is continuing to establish itself as an influential and robust organisation after only two years of existence. For example, a recent report on primary care in Tottenham Hale, covering both access and quality, has led to focused work through the Health and Wellbeing Board, engaging effectively with NHS England. Recent appointments to its Board have strengthened their position and given them additional capacity and expertise.

## **5. Background information**



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- 5.1 The procurement exercise in 2012/13 for Haringey HealthWatch failed to appoint a provider. As a result, HCAB were approached to deliver the current Healthwatch Haringey contract.
- 5.1 Healthwatch Haringey is an independent body established to collect information and represent the views of the public on health and social care. It exists to give patients, service users and local people an opportunity to influence and challenge decision making about local health and social care services.
- 5.2 Healthwatch Haringey also seeks the views of local residents to find out their thoughts on local health and social care services. This information is shared with providers and commissioners to help improve local health and social care services.
- 5.3 In addition, Healthwatch Haringey provides an information service for people living or working in Haringey. The service provides information on local health and care services, such as how to find a GP or NHS dentist.
- 5.4 It is important to note that Healthwatch Haringey is not a complaints service, but it does provide information to people on how to and where to complain if they are unhappy with the care or treatment they have received.

### **6. Comments of the Chief Finance Officer and financial implications**

- 6.1 This contract is partly funded from a mixture of specific grant and commissioning unit base budget. There is sufficient budget to meet the cost of this contract. The novation is being made at a reduced cost and should therefore offer improved value for money. There are no other financial implications arising.

### **7. Comments of the Assistant Director of Corporate Governance and legal implications**

- 7.1 The Assistant Director of Corporate Governance notes the contents of the report.
- 7.2 Under the Public Contracts Regulations 2015 these services are categorised as Schedule 3 services (Social and other Specific Services). If they were above the relevant threshold (£625,000), they would be subject to a light touch regime requiring a European procurement to be followed. However, as they are below this level this is not required.
- 7.3 Where it is not required to follow an EU procurement process, the EU principles of transparency and non-discrimination would still require that the opportunity is advertised if there is deemed to be cross-border interest. The failure of the previous procurement exercise to attract a provider indicates that there would be little cross border interest in this contract.
- 7.4 The Cabinet Member has power to approve the waiver of Contract Standing Orders under CSO 10.01.1 (Cabinet/Cabinet Member approval).
- 7.5 The Cabinet Member also has power to agree a novation under CSO 10.03 (novations) and an extension of the contract under CSO 10.02.2 (contract extensions).



- 7.6 The Assistant Director of Corporate Governance confirms that there are no legal reasons preventing the Cabinet Member from approving the recommendations in this report.

## **8. Equalities and Community Cohesion Comments**

- 8.1 A key function of Healthwatch Haringey is to ensure that the voice of all residents – patients, carers, service users as well as those not currently in receipt of services – is heard as part of planning, designing and delivering services. The organisation is required to consider all groups present in the borough and using health and care services, including those with protected characteristics.
- 8.2 Healthwatch Haringey has to date produced helpful data and customer insight from disadvantaged groups to ensure that their needs are met through health and care services. They have shown their ability to collect and analyse data and to use it to support those at risk of receiving differential services on account of their profile.

## **9. Head of Procurement Comments**

- 9.1 The recommendation is in line with the Procurement Code of Practice. A procurement exercise in 20120/13 evidenced a very underdeveloped market for the provision of this service. The contract extension is being delivered with a £20k saving on the previous yearly costs.
- 9.2 The Head of Procurement supports the recommendation.

## **10. Policy Implications**

- 10.1 The Council's three year Corporate Plan, "Building a Stronger Haringey Together", emphasises the transformation journey, with a focus on building better partnerships, engaging with residents and delivering better services. Haringey Healthwatch will play a role in helping the Council to engage with residents and use the intelligence gathered to improve local health and social service and ensure the Council is commissioning responsive and value for money services.
- 10.2 It should be noted that the Health and Social Care Act 2012, enables Healthwatch Haringey to have a seat on Haringey's Health and Wellbeing Board.

## **11. Reasons for Decision**

- 11.1 Healthwatch Haringey was created by Part 5 of the Health and Social Care Act 2012. It is a statutory and contractual requirement for Haringey Healthwatch to be a 'body corporate' (ie a legal entity) which is social enterprise.
- 11.2 Healthwatch Haringey provides an invaluable service to people who work and live in Haringey. This can be evidenced through their recent review of access to GP appointments



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in Tottenham Hale. The report identified that residents within this area of Haringey have serious difficulty in accessing GP appointments. This report was shared with CCG commissioners and as a result changes have been made to how people can access a GP appointment.

- 11.3 Another example of their good practice is the work they have done to support the Adult Partnership Board in establishing a Carers Reference Group. They were instrumental in hosting the day and bringing together interested carers. As a result of this work a further meeting with interested has been held and it is hoped that carers from the reference group will be represented on the Adults Partnership Board.
- 11.4 Further, the service Haringey Healthwatch offer will be of particular benefit during this period of change / transformation for the Council, especially in regards to the delivery of children and adult social care and health services and engaging with our residents.

## **12. Use of Appendices**

- 12.1 None

## **13. Local Government (Access to Information) Act 1985**

- 13.1 N/A