

## **NOTICE OF MEETING**

---

# **Cabinet Member Signing**

---

THURSDAY, 1ST OCTOBER, 2015 at 10.00 am HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

MEMBERS: Councillors Ann Waters, Cabinet Member for Children and Families (Chair)

## **AGENDA**

### **1. FILMING AT MEETINGS**

Please note that this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Although we ask members of the public recording, filming or reporting on the meeting not to include the public seating areas, members of the public attending the meeting should be aware that we cannot guarantee that they will not be filmed or recorded by others attending the meeting. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on.

By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

The chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual or may lead to the breach of a legal obligation by the Council.

### **2. URGENT BUSINESS**

The Cabinet Member will advise of any items they have decided to take as urgent business.

**3. AWARD OF CONTRACT FOR 0-5 SERVICES (HEALTH VISITING AND FAMILY NURSE PARTNERSHIP) (PAGES 1 - 6)**

The report will seek Cabinet Member approval to waiver the requirement for tendering under the Contract Standing Orders and approve the direct award to Whittington Health NHS Trust of the contract for the provision of 0-5 years old public health services (Health Visiting and the Family Nurse Partnership) for a period of 18 months (October 2015-March 2016 and April 2016 – March 2017) to the value of £7,221,000.

The report will also seek Cabinet Member approval to delegate to the Director of Public Health authority to finalise the arrangements in respect of the contract including the terms and conditions.

**4. NEW ITEMS OF URGENT BUSINESS**

To consider any items of Urgent Business admitted under Item 2 above.

Bernie Ryan  
Assistant Director – Corporate Governance  
and Monitoring Officer  
5<sup>th</sup> Floor  
River Park House  
225 High Road  
Wood Green  
London N22 8HQ

Philip Slawther  
Principal Committee Co-ordinator  
Tel: 020-8489 2957  
Fax: 020-8489 2660  
Email: [philip.slawther2@haringey.gov.uk](mailto:philip.slawther2@haringey.gov.uk)

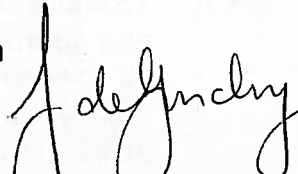
Published on 23<sup>rd</sup> September 2015



Haringey Council

Report for:	Cabinet Member Signing: Cabinet Member for Children & Families	Item Number:	
-------------	---	-----------------	--

Title:	Award of Contract for 0-5 Services (Health Visiting and Family Nurse Partnership)
--------	---

Report Authorised by:	Jeanelle de Gruchy, Director of Public Health 
--------------------------	--

Lead Officer:	Sheena Carr, Senior Public Health Commissioner, CYP
---------------	---

Ward(s) affected: ALL	Report for: Key Decision
-----------------------	--------------------------

1. Describe the issue under consideration
  - 1.1 This report seeks approval for the waiver of the requirement for tendering in Contract Standing Orders and to award the contract for 0-5 public health services (health visiting and the Family Nurse Partnership) to Whittington Health NHS Trust. Further details of the transfer of commissioning responsibilities are outlined in the June 16<sup>th</sup> 2015 Cabinet paper, Transfer of 0-5 year old public health commissioning to Local Authorities.
2. Cabinet Member introduction
  - 2.1 The transfer of commissioning responsibility for 0-5 public health services is the final part of the transfer of public health commissioning to Local Authorities, which saw wider responsibilities successfully transferred in 2013. The Public Health team have been working closely with service managers in Whittington Health to prepare for the transfer, and have developed a close working relationship in order to deliver the mandate outlined in the June 16<sup>th</sup> 2015 Cabinet paper.
  - 2.2 Nationally it has been agreed that unless there are pressing reasons, local authorities will not seek to re-commission services during the transition in order to provide as much stability as possible for the health visiting workforce.



**Haringey** Council

2.3 The award of this contract, including the related expenditure which the Council will incur to cover these services, will enable the Council to meet its public health responsibilities set out in the Corporate Plan, which aim to give every child the best start in life and embed health services into the council's Early Help offer and into the new children's centres service model.

### 3. Recommendations

3.1 To waive the requirement for tendering under the Contract Standing Orders and approve the direct award to Whittington Health NHS Trust of the contract for the provision of 0-5 years old public health services (Health Visiting and the Family Nurse Partnership) for a period of 18 months (October 2015-March 2016 and April 2016 – March 2017) to the value of £7,221,000 .

3.2 To delegate to the Director of Public Health authority to finalise the arrangements in respect of the contract including the terms and conditions.

3.3 To note that the contract award is made pursuant to the statutory transfer of the commissioning responsibilities for 0-5 years old public services effective from 1<sup>st</sup> October 2015 and in accordance with the Health and Social Care Act 2012.

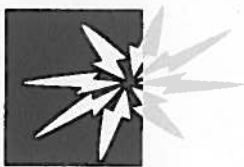
### 4. Alternative options considered

4.1 The services recommended for award in paragraph 3 of this report will become the responsibility of the Council on 1<sup>st</sup> October 2015. This is a statutory transfer in line with regulations implemented under the Health and Social Care Act 2012. As part of the preparation for the transfer, Public Health have been working closely with NHS England (the current commissioner) and Whittington Health to work on the transformational change programme to introduce a universal Healthy Child Programme.

4.2 Nationally it has been agreed that unless there are pressing reasons, local authorities will not seek to re-commission services during the transition in order to provide as much stability as possible for the health visiting workforce.

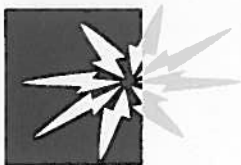
### 5. Background information

5.1 The background to this transfer of commissioning responsibility is detailed in the June 16<sup>th</sup> 2015 Cabinet paper, Transfer of 0-5 year old public health commissioning to Local Authorities and the content approved by Cabinet.



**Haringey** Council

- 5.2 In order to ensure a safe transition and provide reassurance for the existing workforce, the new contract will be based on the existing NHS Standard contract. The new service specifications for health visiting and the Family Nurse Partnership have been reviewed to reflect the Haringey context but are based on the national specifications that the Provider has been working to.
6. Comments of the Section 151 Officer and financial implications
  - 6.1 The cost of the contract is £7.2m for the initial eighteen months. This does not include any uplift or further savings requirement for the new financial year. Funding has been provided for this contract as an addition to the Public Health Grant and fully covers the costs.
  - 6.2 It should be noted that there are two significant concerns about the level of funding. Firstly as noted in the June Cabinet report on the transfer of responsibility for 0-5s, it appears to the Council that this budget has been underfunded for a number of years and there is a risk it is not fully adequate to meet the full range of need in Haringey. In addition the Chancellor announced £200 million in year cuts in June to the overall grant, the precise allocation of which has not yet been decided. These two factors create additional risk that will need to be managed.
  - 6.3 However given the requirement to provide a health visiting service, the close working relationship with the current provider and its willingness to deliver a service within the funding level that we have the award of this contract does not create any additional financial risk.
7. Assistant Director for Governance and legal implications
  - 7.1 Under the Health and Social Care Act 2012 the majority of public health functions transferred from the National Health Service to local authorities in April 2013. The final stage of the transition involves transfer of commissioning responsibilities for 0-5 year olds public health services (health visiting and family nurse partnership) to local authorities on 1 October 2015. These services are currently commissioned by NHS England from the provider Whittington Health as part of a master NHS England Standard and NHS guidance confirms that this will continue until 30 September 2015.
  - 7.2 To ensure continuity in service at the point of the statutory transfer of commissioning responsibility to the Council, the report recommends from October 2015, the direct award of contract to Whittington Health. For this purpose, the Council will enter into a contract with Whittington Health based on the standard NHS contract. The DH guidance advises that authorities should not seek to re-commission services during the transition period.

**Haringey Council**

7.3 The 0-5 years public health services contract award is subject to the light touch regime set out in Regulations 74 to 77 of the Public Contracts Regulations 2015 (the Regulations). The threshold for application of this light touch regime is currently £625,050.00. Such contracts should be advertised in the Official Journal of the European Union (OJEU). However, the provisions of Regulation 32 (2) (b) of the Regulations permit the direct negotiation and award of contracts without prior publication in circumstances where competition is absent for technical reasons. The nature of the services, the statutory requirement to transfer responsibility, the necessity to ensure continuity in services at the point of transfer, the short time frame to complete the statutory transfer and the risk that competition may put at risk the smooth and effective transition, could provide the technical reason justification under Regulation 32 for the direct award of contract. The Council's Contract Standing Order 9.01 requires contracts over the value of £100,000 to be subject to competitive tender. CSO 9.01 can be waived where it is in the Council's overall interest or the circumstances are exceptional.

**8. Equalities and Community Cohesion Comments**

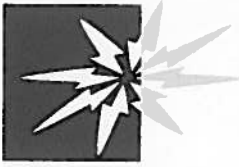
8.1 A local equalities impact assessment, based on the national health visiting equalities assessment was undertaken. The Regulations are expected to have a neutral or positive impact on service users with relevant protected characteristics, such as pregnant women, mothers and disabled children. The phased introduction of the service will allow for more accurate assessment and evaluation of the equalities impact on a smaller scale, so any concerns can be addressed prior to the roll out of the entire healthy child programme by October 2017. The impact on different types of client (protected characteristics) will form part of the performance management.

**9. Head of Procurement Comments**

9.1 The recommendations for the award of contract under the direct award criteria fall within the remit of the provisions of Regulation 32 (2) (b) of the Regulations which permits the direct negotiation and award of contracts without prior publication in circumstances where competition is absent for technical reasons as set out in section 7 above.

9.2 As this is a direct award the Head of Procurement is unable to comment on Value for money and would recommend that contract terms are in place to ensure the ability to re design the service to meet any budgetary pressures within the service.

**10. Policy Implications**



**Haringey** Council

10.1 This final transfer of public health commissioning responsibility will enable joined up commissioning from 0 to 19 years old, improving continuity for children and their families.

10.2 The services outlined in this report and the June 16<sup>th</sup> Cabinet paper are critical to the delivery of the priorities outlined in the Corporate Plan

11. Reasons for Decision

11.1 This is a statutory transfer in line with regulations implemented under the Health and Social Care Act 2012. The proposed contract will focus on services that will contribute to the Council's priorities.

12. Use of Appendices

12.1 None

13. Local Government (Access to Information) Act 1985

13.1 N/A

