

To: **Executive**
21 March 2023

Strategic Procurement Plan – Sexual & Reproductive Health Director of Public Health

1 Purpose of Report

- 1.1 To seek approval for the reprocurement of Sexual and Reproductive Health Services, currently delivered by Berkshire Healthcare NHS Foundation Trust (BHFT). The term of the current contract, 5 years (3 + 2) years comes to an end in June 2024.
- 1.2 Reproductive and Sexual health services provision, on behalf of the 3 Local authorities; Bracknell Forest (BFC), Royal Borough of Windsor and Maidenhead (RBWM) and Slough Borough Councils (SBC), will be procured by the Council, through issuing a Prior Information Notice and a competitive tender process under the 'light touch' regime.
- 1.3 The procurement of Sexual and Reproductive Health Services enables the Council to meet the following Public Health, Health and Social and Care Act 2013 Statutory Duties:
- Compliance with Statutory requirements under the Health and Social care Act 2013¹.
 - The mandatory provision of Open Access Sexual and Reproductive Health services by all Local Authorities – HSC 2013 Sexual Health services section 6
- 1.4 The Sexual and Reproductive Health Service supports people aged 18 years and over (under 18s, and under 16s are only eligible if they are determined as 'Gillick / Fraser' competent ([Gillick Competence and Fraser Guidelines – Guide and Resources 2022 update - Safeguarding Hub](#)), resident or registered within Berkshire East to access a full range of sexual and reproductive health services, including but not limited to:
- Sexually Transmitted Infection (STI), diagnosis, and treatment
 - Diagnoses of HIV, including Pre and Post Exposure Prophylaxis (PrEP, PEPSE)
 - Psycho-sexual support
 - Genito-urinary medicine
 - Sexual Health, health promotion, including online testing access
 - Reproductive healthcare (RHC - previously known as family Planning)
 - Contraception care and support.
- 1.5 Provision for the following support is provided within the current contract and will form part of the Service Specification for the new contract:

¹ [Health and Social Care Act: changes to legislation that affect local authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/health-and-social-care-act-2013-changes-to-legislation-that-affect-local-authorities)

- Tier 3 Sexual health services
 - Providing triage, testing and treatment of all STIs and including diagnoses² of HIV
 - Reproductive healthcare and contraception care and advice, including non-primary care Long-Acting Reversible Contraception (LARC)
 - Sexual health screening and support
 - Genito-urinary medicine
- Tier 2 Outreach into the wider communities across RBWM, SBC and BFC
 - Clinical interventions and service outreach
 - Support to prevent and raise awareness of sexual and reproductive health issues, including support for addressing outbreaks of STIs within the Berkshire East conurbation.
- Advice, Health Promotion, Outbreak supports including Digital
 - Monitoring of health and well-being for the purposes of signposting and or alerting other services
 - Liaising with health or social care agencies
 - Advice on keeping safe from sexual exploitation and abusive relationships
 - Supporting the delivery of on-line access to self-testing kits
 - Public health promotion

2 Recommendations

- 2.1 That the Strategic Procurement Plan for the provision of Sexual and Reproductive Health be approved with Bracknell Forest Council again acting as Host and lead on the procurement on behalf of all 3 councils.
- 2.2 That the proposed contractual term be 5 years (3 +2) with a review of the provision in year 3.
- 2.3 That authority for the contract award and subsequent contract extensions be delegated to the Director of Public Health.

3 Reasons for Recommendations

- 3.1 To fulfil statutory duties.
- 3.2 The proposed procurement, through a competitive tender process will help maximise tender opportunities that will generate value for money and a high-quality Integrated Sexual and Reproductive health Service.
- 3.3 Bracknell Forest Council in partnership with Slough Borough Council and the Royal Borough of Windsor and Maidenhead wish to deliver an effective and integrated sexual and reproductive health service provision, in line their statutory functions, and in support of the key objectives in their respective Health and Wellbeing strategies, and Boards, Joint Strategic Needs assessments and the Sexual Health, Health Needs assessment.
- 3.4 To be compliant with Public Contract Regulations 2015 and the councils' respective Contract Standing Orders, and for timely completion of the tender, award, and mobilisation phases in time for the contract to commence as of July 2024.

² In line with the HSC2013, diagnoses are LA responsibilities; treatment responsibility is with Specialised NHS Commissioning (SpecCom) but is provided by the same service.

4 Alternative Options Considered

- 4.1 **Do nothing:** The current contract and associated obligations will lapse, and there would be no Sexual Health service available across Berkshire East, which would be a breach of mandated Public Health legislation.
- 4.2 **Extending:** Extending the existing contract is possible via a direct award, however the current joint contract arrangements requires that any extension be agreed by all 3 Authorities. This process was initiated but due to the Section 114 issued by Slough Borough Council (SBC) and following internal discussions by the Deputy Director of Public Health at SBC within the council, it was advised that the likelihood of sign off for an extension to carry out a HNA was very low and therefore the risk / benefit of requesting the extension was not balanced.
- 4.3 **In housing:** as Sexual and Reproductive Services are a specialist clinical provision; this is not possible.
- 4.4 **Provider Selection Regime or Section 75 agreement:** at the moment the legislation is not in place for the delivery of a Provider Selection Regime process, in partnership with the Integrated Care Board, and the timeframe for the development of such, or for a Section 75 agreement would require an extension to current provision, to make deliverable, which has already been ruled out as an option, at this time. During the course of the ensuing contract period, this would be reviewed as a way forward once the PSR legislative process completes and receives royal assent.
- 4.5 **Transfer of Contract to NHS terms and conditions:** this was considered but excluded at this time, due to the requirement to retain the NHS contract terms and conditions in their entirety, which could prevent the application of HNA changes to the current service and which would undermine the integrity of the process. However, this is considered to be a possible option in future once the service specification is adapted to the findings of the HNA.

5 Supporting Information

- 5.1.1 Sexual and Reproductive health Services are a nationally mandated function of Local Authorities' Public Health.
- 5.1.2 The current provider operates a hub and spoke model with a tier 3 service in Slough – and a tier 2 provision from Reading.
- 5.1.3 The current provider operates an Integrated Sexual Health model, which is commissioned jointly by the 3 Local Authorities, as well as providing a HIV treatment provision, funded by the NHS (specialised commissioning).
- 5.1.4 An HNA was last completed in 2017; a new HNA in two parts is being undertaken including consultation to understand current needs. The first phase of the HA will complete end of March 2023, and the second phase October 2023. Due to the issues related to the 2017 HNA there is a lack of data related to vulnerable and target groups, including issues related to access, which the two-stage HNA will address.
- 5.1.5 The service was last retendered in 2018, and the current contract commenced in July 2019
- 5.1.4 Nationally demand for SRH services is expected to rise on average by 3% per annum.

5.1.6 This is a nationally mandated service which has made efficiencies due to the joint contracting process, which has been in place for 10 years. The joint contracting supports holistic provision of the service. However, there are some key considerations which will need to be addressed during the retendering process:

- Facilities and local access – the current facilities are part of NHS Property; the service specification will have to address any changes to Providers and the impact if any potential Provider were required to use non-NHS facilities; especially should a different Provider be successful in the retender – this might have cost implications as well as requirements about suitability of premises for delivering clinical intimate services.
- Due to the complexities and clinical nature of SRH provision, there is a limited market for SRH services, which potentially is greater than NHS providers with both Private and Third sector providers currently delivering SRH services nationally, however, the size of the joint contract does enhance the attractiveness of the contract to the market and is a key consideration in taking this out to tender collaboratively.
- Key service elements: - there are significant pathway interactions across NHS and other providers which will need to be considered when developing the service specification, and how those links and pathways are managed including the delivery of HIV treatment provision, which is a Specialised Commissioning responsibility, but provided by the same SRH service team as operates the SRH service. Previous retenders of services have impact on staffing of both services, rendering some residual services uneconomic in the process, so collaboration with SpecCom will be essential
- Linkages to NHS / other commissioned services – these will be mapped and consulted through the HNA, and the service design and specification will need to ensure there is flexibility to adapt to the findings of the wider stage 2 HNA
- The Provider will have to be compliant to national reporting and the associated national data sets and returns.
- The Provider will be required to support any outbreaks report and be compliant with UKHSA process and protocols including but not limited to vaccination, containment, and national reporting processes, related to contagious disease management.

5.1.7 Service provision requirements:

- To meet the national framework base line for SRH integrated services
- To provide 'open access' SRH provision across the full ranges of sexual and reproductive health services, including but not limited to:
 - Sexually Transmitted Infection (STI), diagnosis, and treatment
 - Diagnoses of HIV, including Pre and Post Exposure Prophylaxis (PrEP, PEPSE)
 - Psycho-sexual support
 - Genito-urinary medicine
 - Sexual Health, health promotion, including online testing access
 - Reproductive healthcare (RHC - previously known as family Planning)
- Contraception care and support.

Timescales

Sexual and Reproductive health Service	
Publish OJEU Prior Information Notice (PIN)	April 2023
Publish OJEU Contract Notice / Publish on Find A Tender/South East Business Portal and Contracts Finder	8 May2023
Issue Invitation to Tender	10 May 2023
Receive Responses from Tenderers	7 th September 2023
Evaluation of Responses (2 weeks)	9 th September 2023
Contract Award	2 nd December2023
Mobilisation Period	1st January 2024 –30 June 2024
Contract Start Date	1st July 2024

6 Consultation and Other Considerations

Legal Advice

- 6.1 It is recommended that a separate memorandum of understanding is prepared and agreed between the three councils prior to the start of this procurement – this is because the current MoU in place which relates to the “East Berkshire Public Health System Arrangement” (i.e., the collaboration between the three councils relating to public health services entered into in June 2021) is quite broadly worded and is due to expire in 2026 (which will be before the end of the contract term which has been proposed). A specific MoU for this joint procurement will ensure that all parties have committed to their participation in the procurement (the sections relating to financial commitment can be specifically drafted to be legally binding).
- 6.2 It is understood that a fully competitive procurement exercise will be undertaken, with support from the Council’s Procurement team, and as such the procurement will meet the requirements of the Public Contracts Regulations 2015.

Financial Advice

- 6.3 As referenced within the report the contract forms part of the Berkshire Shared Service and therefore any cost increases are shared with Slough and Windsor & Maidenhead. Bracknell Forest has the smallest population of the 3 authorities so based on current figures Bracknell’s share of the contract costs would be approximately 21% pa.
- 6.4 This will be funded from the Public Health grant, for which future allocations have not been published. There is therefore a risk that reductions in other public health activities will need to be scaled back to ensure the service can be afforded.

Equalities Impact Assessment

- 6.4 An Initial Equalities Screening Record Form has been completed for this requirement and is attached. The screening determined that a full Equality Impact Assessment was not required.

Strategic Risk Management Issues

- 6.5 By not providing this service there would be implications on other BFC / LA / health services putting them under increased, and significant pressure. As this is a mandated function of public health, we would be failing in our responsibilities, to not provide such. In completing the joint process all 3 authorities benefit from economies of scale and attract both a better market, but also better services for our respective populations. Without the service, there may be potentially wider impacts on children's and young peoples, and adult social care, health visiting and school nursing, as well as SEND requirements, also ICB provision of Termination of Pregnancy, maternity, vasectomy, and associated services, including screening services.

Climate Change Implications

- 6.6 The recommendations in Section 2 above are expected to have no impact on emissions of CO₂ as the proposal involves the continuation of an existing service.

Health & Wellbeing Considerations

- 6.7

Background Papers

Appendix 1: Summary Data Protection Impact Assessment

Appendix 2: Equalities Impact Assessment Screening Form

Contact for further information

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