

Notice of NON KEY Executive Decision

Subject Heading:	Permission to procure HIV Prevention and Support Service contract
Decision Maker:	Mark Ansell, Director of Public Health
Cabinet Member:	Cllr Gillian Ford, Cabinet Member for Adults and Health
SLT Lead:	Mark Ansell, Director of Public Health
Report Author and contact details:	Sabrina Glen Telephone: 01708 434019 Email: sabrina.glen@havering.gov.uk
Policy context:	The Adult Social Care and Support Planning Policy states that Havering's vision is: 'Supporting excellent outcomes for the people of Havering by helping communities to help themselves and targeting resources and interventions to encourage independence'
Financial summary:	The contract will be funded from the Public Health Grant. The total cost of the three-year contract (+2-year extension subject to performance and funding) will be subject to the tender but is estimated at £176,350.00 over the five-year period.
Relevant Overview & Scrutiny Sub Committee:	People's Overview and Scrutiny Sub Committee

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Is this decision exempt from being called-in?

The decision will be exempt from call in as it is a Non key Decision.

The subject matter of this report deals with the following Council Objectives

People - Things that matter for residents [☒]

Place - A great place to live, work and enjoy [☐]

Resources - A well run Council that delivers for People and Place. [☐]

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This decision paper is seeking permission to procure a new HIV Prevention and Support Service contract. Officers intend to undertake an open tender to appoint a provider to deliver the HIV Prevention and Support Service contract.

AUTHORITY UNDER WHICH DECISION IS MADE

The Havering Constitution:

Part 3: Responsibility for Functions, Article 2 – Executive Functions
3.3 Powers of Members of the Senior Leadership Team

Members of the Senior Leadership Team (SLT) have delegated authority to act as follows within the assigned service service/portfolio of responsibilities, subject to the general provisions and limitations set out in section 3.1 of the Constitution.

To make arrangements to secure continuous improvement in the way the Council's functions are exercised having regard to a combination of economy, efficiency and effectiveness etc. as required by external regulatory agencies.

STATEMENT OF THE REASONS FOR THE DECISION

The HIV Prevention and Support Service is currently provided by Positive East. HIV Prevention and Support is a very niche and specialist market and the market for this type of service is significantly limited.

The current contract with Positive East for the provision of HIV Prevention and Support Service ends on the 31st March 2024.

This paper is seeking a permission to procure a new HIV Prevention and Support Service Contract.

The Council has a duty, when undertaking procurements, to ensure it is transparent, treating providers equally and any decision/action is proportionate.

We are proposing an open tender. Providers should be an established HIV Prevention and Support Service with an understanding of Sexual Health. Bids will be evaluated 30/70 for quality and price.

The HIV Prevention and support service is funded via a Public Health grant at a cost of £8,930.00 per quarter (£35,270.00 annually) and is paid quarterly via invoice.

The contract is tasked with delivering the following three strands:

Prevention

To prevent further transmission of HIV in Havering. This means giving people the knowledge, skills and confidence to take full control of their lives and their health and social care, and making healthy choices as easy as possible.

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Diagnosis

To enable those living with undiagnosed HIV to receive a timely diagnosis with access appropriate to treatment, care and support.

Support

To support individuals living with HIV to have high levels of wellbeing and resilience and to thrive in their communities.

OTHER OPTIONS CONSIDERED AND REJECTED

Option 1 - *Do nothing*

There is the option to do nothing and stop providing HIV Prevention and Support services when the contract ends on the 31st March 2024. This option is not advised due to there being nothing in place to meet the needs of the Havering residents regarding HIV Prevention and Support, as it is a niche service. If there is nothing in place regarding HIV Prevention and Support, it could have a negative impact on Havering residents who have HIV or residents who are not diagnosed due to lack of HIV Prevention.

Option 2 – *Joint HIV Prevention and Support Service*

This option has been considered however Barking and Dagenham no longer wish to continue with the joint contract between themselves and Havering. The current joint contract between Havering and Barking and Dagenham ends on the 31st March 2024.

PRE-DECISION CONSULTATION

None

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Sabrina Glen

Designation: Commissioner & Project Manager

Signature: *S. Glen*

Date: 20/11/2023

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council has a general power of competence under section 1 of the Localism Act 2011 to do anything an individual may generally do subject to any statutory limitations. The Council has the power under this section to agree to the proposals in the recommendations.

The value of the proposed contract is £35,270.00 pa over 5 years (total £176,350.00). This falls below the threshold for compliance with the Public Contracts Regulations.

The proposed open tender is compliant with the requirements of the Council's Contract Procedure Rules for contracts of this nature."

FINANCIAL IMPLICATIONS AND RISKS

This decision paper is seeking approval to procure a new HIV Prevention and Support Service Contract. The contract will be a 3-year contract with the option of a 2-year extension to commence on 1st April 2024.

The current contract is due to end on 31st March 2024 and costs £25,000 per annum and is paid from the Public Health ring-fenced grant.

The total cost of the 5-year contract is estimated to be £176,350 which equates to £35,270 per annum. This will not add any additional pressure on the Public Health ring-fenced grant and the HIV prevention and support costs are budgeted for annually within the grant allocation.

As this contract is grant funded there will be contract variation clauses and exit clauses written into the contract to mitigate the risk of the grant ceasing or significantly reducing.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

The recommendations made in this report do not give rise to any identifiable Human Resources implications or risks.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

Havering has a diverse community made up of many different groups and individuals. The council values diversity and believes it essential to understand and include the different contributions, perspectives and experience that people from different backgrounds bring.

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the council, when exercising its functions, to have due regard to:

- I. the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- II. the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;

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- III. Foster good relations between those who have protected characteristics and those who do not.

Note: 'protected characteristics' are: age, gender, race and disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council demonstrates its commitment to the Equality Act in its decision-making processes, the provision, procurement and commissioning of its services, and employment practices concerning its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing of all Havering residents in respect of socio-economics and health determinants.

HEALTH AND WELLBEING IMPLICATIONS AND RISKS

Even though the HIV Prevention and Support Service is not a mandated public health service, giving knowledge and skills, diagnosis, and treatment prevents the further spread of HIV. The service will also support individuals living with HIV to be able to take control of their lives, to thrive in their communities and to stop escalating to AIDS. When the previous joint commissioning ends in March 2024, this procurement will ensure continuity of access to this crucial service for Havering residents. In addition, the bids will give more weight to the quality of the service. The procurement of the service will lead to a positive impact on health, especially those who are more directly and indirectly affected by HIV.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

The recommendations made in this report do not give rise to any identifiable environmental implications or risks.

BACKGROUND PAPERS

None

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Delete as applicable

~~Proposal NOT agreed because~~

Details of decision maker

Signed 

Name: Mark Ansell

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date:

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____