

Notice of Non-key Executive Decision

Subject Heading:	<p>Permission to end the Stop Smoking Service for Pregnant Women three months early and enter into a New Partnership Agreement with Barking and Dagenham Council for a Specialist Advisor-Led Community Stop Smoking Service which includes the Stop Smoking Service For Pregnant Women.</p>
Decision Maker:	<p>Mark Ansell, Director of Public Health</p>
Cabinet Member:	<p>Councillor Gillian Ford, Cabinet Member for Health and Adult Care Services</p>
ELT Lead:	<p>Mark Ansell, Director of Public Health</p>
Report Author and contact details:	<p>Faith Nare, Commissioner – Live Well</p> <p>T: 01708 431432 E: faith.nare@havering.gov.uk</p>
Policy context:	<p>This Service supports Havering Council to meet its People Theme priorities of ensuring that people are helped to live independent, socially connected and healthier lives as set out in the Corporate Plan 2022/23 – 2026/27.</p> <p>Stop Smoking projects are part of Havering’s Health and Wellbeing Strategy priorities and Partnership agenda to reduce smoking-related harms and reduce inequalities caused by smoking across the borough.</p>
Financial summary:	<p>This Service will be funded from the Local Stop Smoking provision, from the Department of Health and Social Care (DHSC) via Office for Health Improvement & Disparities (OHID) to Havering. This funding is part of the government’s national commitment to achieve a smoke free generation by 2030 by supporting local authorities to</p>

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	<p>enhance their stop smoking provision. The grant will be made available under section 31(3) and section 31(4) of the Local Government Act 2003. The government has committed to provide funding for 5 years, as set out in the funding letter.</p> <p>The Council has been allocated a grant total of £307,543, which has now been received. The grant expenditure will be on revenue costs starting in the first quarter of the financial year 2024/25. £115,241 of the grant this year plus an additional £36,000 allocated from the Public Health grant for the pregnancy service, will be invested into a new community Stop Smoking Service, totalling £151,241, to be delivered by Barking and Dagenham Council. The new service will continue to provide stop smoking support to pregnant women as part of the wider stop smoking service.</p> <p>The second year will be funded from the government allocation for 2025-26 and we have estimated £159,286 for next year.</p>
Relevant Overview & Scrutiny Sub Committee:	People and Place
Is this decision exempt from being called-in?	Yes

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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. X

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Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

The Director of Public Health is recommended to agree:

- i) To terminate the current Service Level Agreement(SLA) for the Stop Smoking Service for Pregnant Women currently provided by Barking and Dagenham Council three months early on 31st of July 2024
- ii) Subject to approval of i) above, to enter into a new Shared Service Agreement (SSA) with Barking and Dagenham Council for the Specialist Advisor-Led Community Stop Smoking Service which includes the Stop Service for Pregnant Women for a period of 2 + 3 years.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3 [Responsibility for Functions] of Havering's Constitution (old delegations)

Part 3.4 Powers of Second Tier Managers
General powers

(a) To take any steps necessary for proper management and administration for their allocated portfolios.

Financial responsibilities

(a) To incur expenditure within the revenue and capital budgets for the relevant service as approved by the Council, subject to any variation permitted by the Council's contract and financial procedure rules

Contract powers

(a) To approve commencement of a tendering process for, and to award all contracts below a total contract value of £500,000 but above the EU Threshold for Supplies and Services

STATEMENT OF THE REASONS FOR THE DECISION

Purpose of the report

The SLA with the London Borough of Barking and Dagenham for the provision of Stop Smoking for Pregnant Women Services expires on the 30th November 2024. The service currently provides support for women and their families in achieving a smoke-free pregnancy as well as for women following childbirth. A one year extension was agreed when the contract was awarded and the service continues to provide support to pregnant women and their families to stop smoking to provide health benefits for the mother and reduce exposure to second hand smoke to the infant and their siblings.

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This paper is seeking approval to end the current SLA with Barking and Dagenham Council which provides the Stop Smoking for Pregnant Women services by giving three months' written notice. It is anticipated that the new proposed end date of the contract will be 31st of August 2024.

Brief background of the Stop Smoking Service for Pregnant Women

Smoking in pregnancy has well known detrimental effects for the growth and development of the baby and health of the mother, such as complications during labour, increased risk of miscarriage, premature birth, still birth, low birth-weight and sudden unexpected death in infancy. Encouraging pregnant women to stop smoking during pregnancy may also help them to stop smoking for good, and thus provide health benefits for the mother and reduce exposure to second hand smoke by the infant and their siblings.

Smoking during pregnancy is also associated with major health inequality. Levels of smoking remains considerably higher among pregnant women in more disadvantaged groups and those aged under 20 than in older and more affluent groups. Mothers in routine and manual occupations are also five times more likely to have smoked throughout pregnancy compared to women in managerial and professional occupations. The Service contributes towards the Health and Wellbeing (H&WB) of the residents of Havering and the H&WB Strategy priority 4 "Reduce premature deaths from cancer and cardiovascular disease" by ways of actions including well evidenced prevention programmes

Performance of Current Service

During the period of the contract prevalence of smoking in pregnancy has fallen. Please see below outcomes recorded since start of the contract:

- 269 women have been referred to the pregnancy service with 19 being referred post-partum
- 59 women engaged with the pregnancy service
- 54 women set a quit date
- 20 women achieved a 4 week quit

The service has contributed to the decline in smoking amongst pregnant women in the borough, proven by the data for 'smoking at time of delivery (SATOD)' which has reduced by 2.2% from 6.7% in 2020/21 to 4.5% in 2021/22 (fingertips).

The New Specialist Advisor-Led Community Stop Smoking Service:

The government is investing an additional £70 million per year to support local authority led stop smoking services and over the financial years of 2024 to 2025 through to 2028 to 2029. The spending plan for 2024-25 has already been set out in the Non-Key Executive Decision to accept the government funding¹. Indicative allocations to local authorities were published on 4 October 2023. Havering allocation for first year 2024 to 2025 is £307, 543² and the allocation for the additional 4 years 2025 onwards has yet be confirmed by Central Government.

¹ <https://democracy.havering.gov.uk/documents/s73450/71.%20Final%20Non-Key%20ED%20to%20accept%20DHSC%20grant%20for%20Stop%20Smoking%20signed.pdf>

² <https://app.verto365.com/Verto#>

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This new funding has been accepted and will be provided through a new section 31 grant on top of the current public health grant allocations. This additional allocation is part of the government's announcement to create a 'smoke free generation' by stopping young people from starting smoking through legislation, and by supporting existing smokers to quit. This is through ensuring a nationwide comprehensive offer to help people stop smoking across England and to increase the number of smokers engaging with effective interventions to quit smoking and this will be achieved by:

- stimulating more quit attempts by providing more smokers with advice and swift support
- linking smokers to the most effective interventions to quit
- boosting existing behavioural support schemes designed to encourage smokers to quit (for example the 'swap to stop' scheme)
- building capacity in local areas to respond to increased demand
- strengthening partnerships in local healthcare systems

The table below sets out the proposed budget for the new service.

Service	Annual budget	Funding Source
Pregnancy stop smoking service	£36,000	Public Health Grant
Community Stop Smoking Service	£115 241.00	Government grant 2024-25
Community Stop Smoking Service incorporating pregnancy provision	£151 241.00	Public Health Grant + Government grant 2024-25

The funding will be provided through a new section 31 grant on top of the current public health grant allocations with the funding ring-fenced for stop smoking activities³. Payments will be made to local authorities with 70% of their allocated financial year's funding made in the first 6 months and the balance towards the end of that financial year as shown below.

It is anticipated that the full allocation will not be spent in 24/25 due to the service starting part way through the year. The under-spend for the 24.25 financial year is currently unknown as this is a demand led service; however after the service has been running for 3 months, the under-spend should be known and then can be reinvested to other projects.

Quarter 1 – April to June 2024 £215,280
Quarter 4 – January to March 2025 £92,263

Recommendation:

It is recommended that the current Stop Smoking Service for Pregnant Women is terminated early to avoid a duplication of services and to ensure that the service is incorporated into a bigger partnership agreement that will reach a wider audience. Furthermore, entering into the new SSA with Barking and Dagenham Council for a Specialist Advisor-Led Community Stop Smoking Service which includes the Stop Service For Pregnant Women will ensure continuity and little, if any, disruption to the service as it will be provided by the incumbent provider.

³ <https://democracy.havering.gov.uk/documents/s73451/71.%20Appendix%20A%20-%20Havering%20LB%20LSSASG%20GA%202024-25.pdf>

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OTHER OPTIONS CONSIDERED AND REJECTED

Option 1: Do Nothing

Do not extend or terminate the contract and rely instead on the web and telephone-based London-wide stop smoking service. This was rejected as (a) the service has demonstrated effectiveness in reducing smoking among pregnant women with a 2.2% fall in prevalence in smoking among pregnant women from 2020/21 to 2021/22 (b) working relationship between midwives and stop smoking service has been key to prompting pregnant women to stop smoking and the London-wide service has only just expanded provision to include advice for pregnant women. Furthermore, there is no exact service available to meet the needs of the service users.

Option 2: Continue with current service and retender when it ends in November:

Retender the contract. This was rejected as (a) the arrangement with Barking & Dagenham has been integral to the successful system-wide partnership with BHRUT (midwifery service), LBBB (public health) and ICB (maternity commissioners) and (b), the financial envelope available for the service is so small it is unlikely to be of interest to other providers (c), this may result in a disruption to the service provision and (d) there is a risk of duplication of the service meaning the service is funded twice for the same outcomes.

PRE-DECISION CONSULTATION

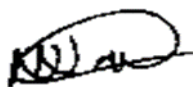
None

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

Name: Faith N Nare

Designation: Commissioner – Live Well

Signature:



Date: 25/04/2024

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Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council has a statutory duty under the National Health Service Act 2006 (as amended by section 12 of the Health and Social Care Act 2012) to take such steps as it considers appropriate for improving the health of the people in its area. The Council has a duty under the Health & Social Care Act 2012, for commissioning the smoking cessation service (since 1st April 2013).

Section 1 of the Localism Act 2011 gives the Council a general power of competence to do anything an individual can do. The recommendations in this report are in keeping with this power.

Under section 1(b) of the Local Authorities (Goods and Services) Act 1970 the Council has the power to enter the new SSA with Barking and Dagenham Council, as a local authority and any public body may enter into an agreement for the provision of professional services.

Therefore, as stated above the Council is able to terminate the current SLA and enter into a new SSA with Barking and Dagenham Council as the Council has the right to terminate the SLA by giving three months written notice under the current SLA.

The Council's SSA with Barking and Dagenham Council will include a termination for convenience clause so that in the event the Council is not in receipt of funding for the subsequent years, the Council will have the option to terminate the agreement.

The Council is funding the SSA from an Office for Health Improvement & Disparities (OHID) grant which will provide funding over the next five financial years, starting from 2024-25 until 2028-29. Council officers will ensure that the SSA is run in line with the funding received from OHID.

FINANCIAL IMPLICATIONS AND RISKS

This decision paper seeks approval:

- i) To end the current contract for the Stop Smoking Service for Pregnant Women currently provided by Barking and Dagenham Council three months early on 31st of July 2024
- ii) Subject to approval of (i) above to enter into a new Service Level Agreement with Barking and Dagenham Council for the Specialist Advisor-Led Community Stop Smoking Service which includes the Stop Service For Pregnant Women for a period of 2 + 3 years

The total cost of the service level agreement is estimated to be £151,241 for the 24-25 financial year. The costs are made up of core element consisting of staff time and overheads and a variable element for the nicotine replacement and vapes which is dependent on the number of people who use the service. The costings are based on the estimation that 1.5% of the smoking population will access the service which amounts to 425 users. This is the maximum number of users that will be supported, however it is anticipated that the full allocation will not be spent in 24/25 due to the service starting part way through the year. The underspend for the 24.25 financial year is currently unknown as this is a demand led service but after the service has been running for 3 months, the underspend should be known and then can be reinvested to other projects.

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The Stop Smoking service for pregnant women that is currently in place, currently costs £36,000 per annum and this is funded from the Public Health Grant and will continue to be funded from the Public Health Grant under the new service Level Agreement. The Public Health Grant is a ring-fenced grant and this service is fully budgeted for within the grant allocation.

The additional cost of the service amounting to £115,241 will be met from the new grant funding.

This funding is part of the government's national commitment to achieve a smoke free generation by 2030 by supporting local authorities to enhance their stop smoking provision. The grant has been made available under section 31(3) and section 31(4) of the Local Government Act 2003

Havering allocation for 2024/25 is £307,543 and this is to support local authority led stop smoking services and £115,241 of this project will be met from the grant.

The grant agreement for Havering was received on 27th February 2024 and a decision paper has been approved to accept this grant funding along with a full spending plan for the whole allocation.

The service is anticipated to cost £159,286 in year 2 of the contract, with the funding split being £36,000 from the Public Health ring-fenced grant with the remainder being funded from the new grant. If the grant allocation was to substantially reduce in 2024-25 then the shortfall would need to be met from the Public Health ring-fenced grant or public reserves.

Although the grant is due to continue until the 2028-29 financial year, the allocations are currently unknown and therefore the extension of the contract after the 2 years will need to be reviewed in line with the grant allocations to ensure the funding remains available.

There are no adverse financial implications to the Council as a result of entering into this agreement.

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

None

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

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;

(iii) foster good relations between those who have protected characteristics and those who do not.

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

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

BACKGROUND PAPERS

None

APPENDICES

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

Details of decision maker



Signed

Name: Mark Ansell

Cabinet Portfolio held:

CMT Member title: Director of Public Health

Head of Service title

Other manager title:

Date: 23/05/2024

Lodging this notice

The signed decision notice must be delivered to Committee Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____