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**Nottingham**  
**City Council**

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| <b>Affected Wards:</b>  | Citywide  |
| <b>Colleague / Councillor Interests:</b>  | None  |
| <b>Any Information Exempt from publication:</b>   | Yes   |
| <b>Dispensation from Financial Regulations:</b>   | Yes   |
| <b>Exempt Information:</b>  |   |
| <b>Description of what is exempt:</b>   | The value of the AfC uplift which will be based on evidence provided by CityCare of actual costs incurred.  |
|   | An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972   |
| <b>3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).</b> | The public interest in maintaining the exemption outweighs the public interest in disclosing the information because if CityCare are aware of the maximum amount of funding allocated, this will compromise the Council's ability to negotiate a deal that is acceptable to both parties. |
| <b>Documents exempt from publication:</b>   | Exempt Information-CityCare DDM.docx  |
| <b>Consultations:</b>   | Those not consulted are not directly affected by the decision.  |
| <b>Crime and Disorder Implications:</b>   | N/A   |
| <b>Equality:</b>  | EIA not required. Reasons: The SiP contract will have no changes to services.   |

**Social Value Considerations:**

N/A

**Regard for NHS Constitution:**

Local authorities have a statutory duty to have regard to the NHS Constitution when exercising their public health functions under the NHS Act 2006. In making this decision relating to public health functions, we have properly considered the NHS Constitution where applicable and have taken into account how it can be applied in order to commission services to improve the health of the local community.

**Decision Type:**

Portfolio Holder

**Subject to Call In:**

Yes

**Call In Expiry date:**

18/12/2020

**Advice Sought:**

Legal, Finance, Procurement

**Legal Advice:**

Nottingham City Council has a contract with City Care Partnership to support children in their early years of life. Public Health England (PHE) has previously granted directly to the Provider an annual uplift called 'Agenda for change' to support staffing costs.

This year, PHE has provided this contribution directly to the Council under a larger pot of grant funding rather than to the Provider itself, albeit it is has not specified how much the 'Agenda for Change' contribution is. The Council is therefore required to determine how much of the grant funding it has received should be distributed to the Provider and in turn, conversations are ongoing with the Provider to determine this.

The Provider has previously suggested a lower inflationary contribution offer would result in them providing a reduced service but this itself could be a breach of Contract and so the Council and the Provider need to continue discussions to identify the appropriate inflationary uplift, reflective of the grant contribution from PHE, without jeopardising service provision.

As this did not form part of the initial contract and the Council is not aware if this money will be passed on in the same way for future years, a variation to the contract, once the value is agreed (up to the value set out in the exempt appendix), is required to reflect the one off payment to the Provider to pass on this inflationary uplift grant.

The pregnancy service which forms part of this Contract is due to expire but is deemed to be an essential service in the City. The 12 month extension will ensure the continued service and for the reasons given in the report, the fact the variation values are small given the overall value of the contract which deem them permissible under the Regulation 72 of the Public Contract Regulations, dispensation from the Contract Procedure Rules is supported. Advice provided by Dionne Claire Screatton (Solicitor) on 01/10/2020.

**Finance Advice:**

This decision seeks to provide approval for additional funding for the Nottingham Citycare Partnership 'Giving Nottingham Children the Best Start in Life' contract,as outlined in the brief.

The costs of this proposal are: £70,000 in relation to Smoking in Pregnancy contract; and the value in relation to the Agenda of Change salary uplift as is set out in the exempt appendix.

Within the current Public Health grant for 2020/21 there is provision to fund the costs of the Agenda for Change salary uplift, therefore the costs of this decision are funded through the grant without additional pressure to the Council.

The funding for the £70,000 Smoking in Pregnancy contract is from non-recurrent Health funding, and so again would not result in additional pressure to the Council.

Advice provided by Graeme Black (Commercial Business Partner) on 25/09/2020. Advice provided by Graeme Black (Commercial Business Partner) on 07/10/2020.

**Procurement Advice:**

This decision seeks approval to award additional funding for the Nottingham Citycare Partnership 'Giving Nottingham Children the Best Start in Life' contract. The Council's Public Health grant allocation for 2020/21 includes provision to cover additional Agenda for Change (AfC) pay costs associated with this contract, therefore it is necessary to award an uplift to cover these costs in 2020/21. The amount will be negotiated up to a maximum value as set out in the exempt appendix and should be subject to evidence provided of the actual costs of the AfC uplift to the provider in 2020/21. The proposed addition of £70,00 for the Smoking in Pregnancy element of this contract will fund the continuation of this service for a period of twelve months to 31st October 2021 and the recruitment of an administrator post. This service provides specialist support to pregnant women and if it was discontinued there would be a significant risk to meeting the City's priorities and targets for addressing smoking in pregnancy. These proposals are considered to be a small amendment to the contract in accordance with Regulation 72(1)(f) of the Public Contracts Regulations and therefore in relation to decision 2, dispensation from Contract Procedure Rule 4.1.1 in accordance with Financial Regulation 3.29 is supported from a procurement perspective. Advice provided by Jo Pettifor (Procurement Team Manager) on 29/09/2020.

**Signatures**

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| <b>Cheryl Barnard (Portfolio Holder- Children and Young People)</b>                        |
| <b>SIGNED and Dated: 10/12/2020</b>  |
| <b>Alison Challenger (Director of Public Health)</b>                                       |
| <b>SIGNED and Dated: 09/12/2020</b>  |
| <b>7`jj Y&lt; YUd\ nif7 \ JYZ: ]bUbVW`CZ]Wf) - Dispensation from Financial Regulations</b> |
| <b>SIGNED and Dated: 10/11/2020</b>  |
| <b>Chief Finance Officer's Comments:</b>   |