

Nottingham City Council Delegated Decision



Nottingham
City Council

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| Reference Number: | 4091 |
| Author: | Uzmah Bhatti |
| Department: | Chief Executive's |
| Contact: | Uzmah Bhatti (Job Title: Public Health Manager, Email: uzmah.bhatti@nottinghamcity.gov.uk , Phone: 01158765117) |
| Subject: | Integrated Sexual Health Service - 'Agenda for Change' Uplift |
| Total Value: | £45,068 (Type: Revenue) |
| Decision Being Taken: | 1) To delegate authority to the Head of Contracting and Procurement to negotiate a contract variation and a one-off payment of £45,068 to the Nottingham University Hospitals NHS Trust, to support the 'Agenda for Change' salary uplift for the Sexual Health Service workforce for the year 2020/21. 2) To approve dispensation from Contract Procedure Rule 4.1.1 for operational reasons, in accordance with Financial Regulation 3.29, to award the uplift amount of £45,068 to the Nottingham University Hospitals NHS Trust. 3) To delegate authority to the Head of Contracting and Procurement to sign the contract variation. |
| Reasons for the Decision(s) | The Department of Health and Social Care published details of the Public Health grant allocation for 2020/21 on 17 March 2020. The grant includes "an adjustment to cover the estimated additional Agenda for Change (AfC) pay costs of eligible staff". In line with recognised NHS formula for calculating contractual uplifts, which equates to 1.65% of the contract value and includes AfC uplift, Nottingham City Council and Nottinghamshire County Council as joint commissioners of the service offered Nottingham University Hospitals NHS Trust (NUH) a payment of £64,383 to cover the attributable costs for the financial year 2020/21. In line with the 70/30 contract contribution, this would equate to a payment of £45,068 from the City and £19,314 from the County Council. This will be a one-off payment for the the current financial year, as details of future AfC uplift payments are yet to be set out by the Department of Health. |
| Other Options Considered: | 1) To do nothing regarding the allocation: this option is rejected on the basis that not increasing the allocation to NUH is outside of the Public Health grant conditions. |
| Background Papers: | Letters of offer and acceptance between the City Council and NUH, and the Public Health Grant Conditions. |

Unpublished background papers: LA Agenda for Change Letter (002).pdf, DHSC_allocations_circular_2020_to_2021.pdf, NUH A4C Letter to NUH.pdf

Published Works: None

Affected Wards: Citywide

Colleague / Councillor Interests: None

Dispensation from Financial Regulations: Yes

Consultations: Those not consulted are not directly affected by the decision.

Crime and Disorder Implications: Not applicable

Equality: EIA not required. Reasons: This decision does not involve changes to a policy, service or function.

Social Value Considerations: Not applicable

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: No

Person Consulted: Not applicable
Consultation Date: 14/01/2021
The decision has been taken retrospectively.

Advice Sought:

Legal, Finance, Procurement

Legal Advice:

Nottingham City Council has a contract with the Nottingham University Hospital NHS Trust for the Sexual Health Service Workforce. Public Health England (PHE) has provided within its Public Health grant allocation for 2020/21 an adjustment to cover the estimated 'Agenda for Change' pay costs for staff. As a joint commissioner of the Service, the City Council is required to calculate the amount equivalent to its contribution to provide as an uplift to the Service.

As the Council does not have confirmation from PHE that similar money will be passed on in the same way for future years, a variation to the contract is required to reflect the one-off payment to the Provider in order to pass on this inflationary uplift grant this financial year. The variation value is minimal in light of the overall value of the contract and is, therefore, deemed permissible under the Regulation 72 of the Public Contract Regulations for a light touch contract. Dispensation from the Contract Procedure Rules for the reasons given in the report is therefore supported.

Advice provided by Dionne Claire Screamon (Solicitor) on 30/11/2020.

Finance Advice:

This decision seeks to provide approval for the distribution of a one-off payment to Nottingham University Hospitals NHS Trust (NUH) to support the 'Agenda for Change' (AfC) salary uplift for the Sexual Health Service workforce for the year 2020/21, along with dispensation from Contract Procedure Rule 4.1.1 for operational reasons in accordance with Financial Regulation 3.29 to award the uplift amount of £45,068 to NUH, as outlined in the brief.

The total costs of this proposal is £45,068. As outlined in the brief, the Public Health grant for 2020/21 is earmarked to provide the Council's contribution to AfC uplift for this service, and therefore the costs of this decision are funded through the Public Health grant.

Advice provided by Graeme Black (Commercial Business Partner) on 08/12/2020.

Procurement Advice:

The Decision to dispense with Financial Regulations to negotiate a contract variation and make a one off payment of £45,068 to the Nottingham University Hospitals NHS Trust, to support the 'Agenda for Change' salary uplift for the Sexual Health Service workforce for the year 2020/21, is supported by Procurement, on the basis that these proposals are considered to be a small amendment to the contract in accordance with Regulation 72(1)(f) of the Public Contracts Regulations.

Advice provided by Nicola Harrison (Procurement Lead Officer) on 30/11/2020.

Signatures

Eunice Campbell-Clark (Portfolio Holder Health, HR and Equalities)

SIGNED and Dated: 14/01/2021

Alison Challenger (Director of Public Health)

SIGNED and Dated: 12/01/2021

Clive Heaphy (Chief Finance Officer) - Dispensation from Financial Regulations

SIGNED and Dated: 04/01/2021

Chief Finance Officer's Comments: Funded from Public Health Grant