

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:

3158

Author:

Marie Cann-Livingstone

Department:

Strategy and Resources

Contact:

Marie Cann-Livingstone

(Job Title: Teenage Pregnancy & Early Intervention Specialist, Email: marie.cann-livingstone@nottinghamcity.gov.uk, Phone: 0115 8763511)

Subject:

Extension of existing contract and commissioning of a new service to provide HIV testing and support in Nottingham

Total Value:

£385 000 (Type: Revenue)

Decision Being Taken:

1. To grant dispensation from contract procedure rule 5.1.2 for operational reasons in accordance with financial regulations 3.29 in order to extend the current contract with Terence Higgins Trust (THT) for a period of twelve months (from 1 April 2018 to 31 March 2019) at a value of £77 000.
2. To approve the procurement of a contract for the provision of a HIV testing and support service for a period of up to four years (2+1+1) with a maximum total value of £308 000.
3. To delegate authority to the Director of Public Health to award the contract following the procurement process.
4. To delegate authority to the Head of Contracting and Procurement to sign and enter the contract to the most economically advantageous provider at the outcome of the tender.

**Reasons for the Decision(s)**

Following the success of the existing HIV testing and support service delivered by Terence Higgins Trust in Nottingham, approval is sought to extend the current service for a year whilst a procurement exercise is carried out for a new service. It is proposed that the new service will run for two years, with the opportunity to extend for one year and a possible further year.

Terence Higgins Trust currently provide HIV testing and support and target 'at risk' communities. Communities that are disproportionately affected by HIV include men who have sex with men (MSM) and people of Black African and Caribbean origin (almost 60% of new HIV cases in Nottingham are from the Black African and Caribbean communities, although they comprise only 7.3% of the population of Nottingham, this presents a significant health inequality).

HIV infection is a significant and growing public health issue. In 2015 there were 656 people living with HIV in Nottingham as compared to 563 in 2011 and 425 in 2007. In 2015, the prevalence for HIV in England was 2.3 per 1000 population aged 15-59, in Nottingham the rate was slightly higher at 2.9.

In Nottingham City, between 2010 and 2012, 66% of new diagnoses were made late. According to the 2017 Public Health England Sexual and Reproductive Health Profile, by 2014-6 Nottingham's late diagnosis rate dropped to 36% of new diagnoses. This covers the time period that the current service has been in place.

THT carries out outreach with citizens who would not otherwise access HIV services including those who are vulnerable and those statistically more at risk. Methods of outreach include website, social media and within saunas and clubs. The extensive outreach has resulted in an increased number of positive test results.

In order to ensure that there is not a break in service, approval for a one year extension and approval to procure a similar service is therefore requested in order to enable Nottingham City Council to continue to commission HIV testing and support for at-risk, and vulnerable populations. The extension will allow uninterrupted delivery of support whilst the tender for a similar service is concluded.

The procurement of a similar service through a competitive tender process is recommended in order to secure the best value for Nottingham's citizens.

**Other Options Considered:**

The option to decommission the service was considered by the Directors of Public Health and Adult Social Care for which an Equalities Impact Assessment (EIA) was produced. As a result of the EIA there was concern that the negative affects on protected groups would be considerable.

If the service were discontinued, there would be a significant risk of a return to the high rate of late diagnoses. Every late diagnosis means extra complications and costs both to the NHS and to Social Care.

**Background Papers:**

**Published Works:**

Sexual Health and HIV (2014) - Nottingham City Joint Strategic Needs Assessment Chapter  
 Public Health England (2017) Sexual and Reproductive Health Profiles

Affected Wards: Citywide

Colleague / Councillor  
Interests:

Dispensation from Financial Regulations: Yes

Consultations:  
**Date: 04/10/2017**  
**Ward Councillors: Nick McDonald**  
Marie Cann-Livingstone presented at Councillor McDonald's Portfolio Holder Briefing on 4 October 2017. Cllr McDonald agreed to £8k contract variation for 2017/18 and to proceed with the review on identifying options for 18/19 savings. This was carried out and recommendations presented to him that were then taken forward to the 22 February 2018 Executive Panel.

**Date: 20/02/2018**  
**Other City Council Bodies: Executive Panel**  
As part of the wider Nottingham City Council saving proposals, it was agreed to continue with a HIV testing and support service in Nottingham. The service will be subject to a further 10% cost reduction for 2018/19.

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications: There are no anticipated crime and disorder implications.

Equality: Please login to the system to view the EIA document: 180430 Final THT EIA.docx

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: 29/05/2018

**Advice Sought:**

**Legal, Finance, Procurement, Equality and Diversity, Other: Helene Denness (helene.denness@nottinghamcity.gov.uk)**

**Legal Advice:**

The short term extension to the existing contract will ensure continued service delivery to vulnerable at risk populations within the City, the value of such is well below the EU procurement thresholds.

A tender process will be undertaken in due course to ensure the a new contract is established for the service beyond this extension which will seek to ensure value for money to the Council and continued support to vulnerable citizens in the City.

For these reasons, the recommendation for dispensation from the Contract Procedure Rule 5.1.2 in accordance with Financial Regulation 3.29 (Operational Reasons) raises no significant legal issues and is therefore supported. Advice provided by Dionne Claire Screatton (Solicitor) on 02/05/2018.

**Finance Advice:**

This decision to extend the current contract for 12 months at a cost of £77,000 and reprocure a HIV Testing and Support Service to a maximum of £0.308m over a further 4 years will support the achievement of savings included in the Council's Medium Term Financial Plan (MTFP).

This proposal seeks dispensation from Contract Procedure Rules (5.1.2) in accordance with Financial Regulations 3.29, will provide continuity of service until the service is reprocured and is therefore reasonable.

Value for money will be delivered by procuring services via a tender process through the most economic, efficient and effective means that meets the needs of local people.

Advice provided by Darren Revill (Senior Commercial Business Partner) on 11/05/2018.

**Other Advice:**

As lead public health consultant for sexual health I believe that increasing access to HIV testing in vulnerable communities, alongside offering social support is crucial and as such I support an extension of the THT contract whilst a service review is completed. Advice provided by Helene Denness (Consultant in Public Health) on 01/05/2018.

**Procurement Advice:**

The decision to extend the HIV Testing and Support Service by 12 months from 1 April 2018 at a cost of £77,000 is supported by Procurement, on the basis that the service will be reprocured during this time. The procurement will be led by Nottingham City Council's Procurement Team. Advice provided by Nicola Harrison (Procurement Lead Officer) on 01/05/2018.

**Equality and Diversity Advice:**

The EIA covers the key considerations as to any impacts that a reduction in service is likely to have and mitigates proportionately on the two key protected groups identified. Advice provided by Adisa Djan (Equalities and Diversity Consultant) on 01/05/2018.

**Signatures**

Sam Webster (PH for Adult Social Care and Health)

**SIGNED and Dated: 21/05/2018**

Alison Michalska (Corporate Director for Children and Adults)

**SIGNED and Dated: 18/05/2018**

<b>Laura Pattman (Strategic Director of Finance) - Dispensation from Financial Regulations</b>
<b>SIGNED and Dated: 16/05/2018</b>
<b>Chief Finance Officer's Comments:</b>