

Executive Decision Making by an Officer with Delegated Powers

Decision to be taken by: Siobhan Farmer, Director of Public Health

Pursuant to an Authorisation from Cabinet on 22 June 2022: Award of Contracts for the provision of Public Health Enhanced Services (PHES) to General Medical Practices

Report title: Award of Contracts for the provision of Public Health Enhanced Services (PHES) to General Medical Practices

The decision	<p>Following the conclusion of a negotiated procedure and having consulted with the Leader of the Council (in his capacity as portfolio holder for Public Health and Communities) in accordance with the Cabinet decision dated 22 June 2022:</p> <p><u>DECISION</u></p> <p>To award contracts to 67 General Medical Practices for the provision of Public Health Enhanced Services (PHES). Each such contract will continue for an initial period of 2 years (commencing 1st April 2023) and include an option to extend its term for a further period of not more than 3 years and also a right to terminate it at any time after 31st March 2025.</p>
Background documents	<p>Cabinet Decision: Award of Contracts for the provision of Public Health Enhanced Services (PHES) to General Medical Practices (22nd June 2022)</p> <p>Cabinet Report: Direct Award of Public Health Enhanced Services (PHES) contracts to General Practices (July 2017)</p> <p>Cabinet Report: Extension of Public Health Enhanced Services (PHES) Contracts to General Practices (June 2019)</p> <p>NHS Health Check programme standards (July 2020)</p> <p>Extending Public Health England's contraception return on investment tool: Maternity and primary care settings (July 2021)</p> <p>Equality Impact Assessment: Direct Award of Public Health Enhanced Services Contracts (PHES) to General Practices 2023 – 2028</p>
Reasons for the decision	<ul style="list-style-type: none">• The commissioning arrangements for the services comprised in the proposed PHES contracts have been reviewed as part of the recommissioning process.• The review has concluded that delivery of PHES provision by General Medical Practices continues to be central to the delivery of these services and to the delivery of two statutory functions:

	<p>(a) the provision of the NHS Health Check; and (b) the provision of open access sexual health services, including contraception.</p> <ul style="list-style-type: none"> • There are currently 72 PHES contracts with General Practice covering the provision of both statutory and discretionary (but high priority) public health services. • The proposed term of such PHES contracts is intended to secure continuity and delivery of PHES during an initial two year fixed term expiring 31st March 2025, whilst reserving the council an option to extend such term for a further period of three years or (as appropriate) to terminate individual services independently of other services provided under the PHES and mechanisms, thereby enabling the Council to vary such services and/or the price paid during the contract period should there be changes in financial circumstances faced by the Council.
<p>Resource implications</p>	<p>The estimated total investment required across the PHES contracts with General Practices over the full five years of the proposed contract term (i.e., should the council exercise its three year extension option) is £5,326,105. This is the total investment available regardless of the number of GP practices contracted to deliver the provision of PHES. The breakdown of the budget across the four services comprised in PHES is as follows:</p> <ul style="list-style-type: none"> • NHS Health Checks: £320,221 per annum • Long Acting Reversible Contraceptives (LARC): £650,000 per annum • Primary Care Sexual Health Clinics: £70,000 per annum • Stop smoking support: £25,000 per annum <p>This figure is an estimated total (subject to the above-mentioned maximum investment sum) as the actual spend under the contracts is variable being based on activity delivered.</p> <p>The investment required to implement the recommendations within this report is within existing budget allocations from the ring-fenced Public Health grant. The proposed initial two year fixed contract term enables the Council to review its investment into the PHES according to its financial circumstances.</p>
<p>Who has been consulted?</p>	<p>Internal Consultation was held with:</p> <ul style="list-style-type: none"> ▪ Councillor Mark Hawthorne, Leader of the Council (the Public Health and Communities portfolio having transferred to the Leader since the Cabinet decision of 27 January 2021) ▪ Internal support services: <ul style="list-style-type: none"> ○ Legal Services ○ Strategic Procurement ○ Finance ○ Communications ○ Information Management Service ○ HR

External consultation was held with:

- Gloucestershire Local Medical Committee (LMC) Executive
- Stakeholders via LARC Device Provision Market Testing Event (March 2022)

What were their comments?

The Leader of the Council was supportive of this decision.

Legal Services: Drafting advice in connection with this report has been provided to the report's author

Background/Context

What are Public Health Enhanced Services?

The Public Health Enhanced Services (PHES) contract includes the provision of the following services

- Long-Acting Reversible Contraception (LARC)
- Primary care sexual health clinics
- NHS Health Checks
- Stop smoking support

All four services provided as part of the PHES contract are currently commissioned from General Medical Practices. At present all practices are contracted to deliver at least one of the four services listed above.

These services assist in the delivery of national public health priorities, including two of the six mandatory functions that transferred to local authorities under the Health and Social Care Act 2012 i.e., NHS Health Checks and open access sexual health services.

The council's current PHES contracts will come to an end on 31st March 2023.

Services delivered under the PHES contract:

Long-Acting Reversible Contraception (LARC)

Long-acting reversible contraception (LARC) devices, including implants, intrauterine devices (IUDs) and intrauterine system (IUS), are the most effective methods of contraception. They are also cost effective compared with other methods of fertility control.

The prescribing, fitting and removal of LARC devices form part of Local Authorities' mandated responsibility for commissioning sexual health services. The current service, delivered by 72 General Practices across Gloucestershire, benchmarks well across the South West, with the latest data showing Gloucestershire has the highest rate of GP prescribed LARC in the region.

General Practice are already commissioned by NHS England to provide a broad range of other contraception options to its patients. LARC is an enhancement to this service ensuring a comprehensive and evidence based choice for Primary Care patients as part of an integrated contraceptive pathway, which includes consultation and after-care.

Primary care sexual health clinics

Primary Care sexual health clinics support the delivery of the mandated responsibility for the delivery of accessible sexual health services. Primary Care sexual health clinics are an enhancement to the primary care offer of basic sexual health and contraception services delivered under the terms of the General Medical Services contract, which is commissioned by the NHS. The service offers additional hours of primary care support dedicated to low level sexual health and contraception needs. This improves access for vulnerable clients and is also a key support service for the delivery of the specialist sexual health service model.

Currently 11 General Practices in Gloucestershire are contracted to provide the Primary Care sexual health clinics. An additional 8 practices have been commissioned on a temporary basis to provide additional access to contraception and sexual health appointments to help meet the additional need caused by the restrictions as part of the pandemic.

NHS Health Checks

NHS Health Checks are a cardiovascular disease (CVD) prevention programme and a statutory function which local authorities are mandated to commission. The Council currently contracts with 69 General Practices providing good coverage across the county.

Legal duties exist for Local Authorities to make arrangements for each eligible person aged 40 to 74 to be offered a NHS Health Check once in every five-year period, and for each person to be recalled every five years if they remain eligible. At present, only General Practice has access to the patient list necessary to operate the mandated invite and recall system.

Stop smoking support

Smoking is the leading cause of preventable illness and premature death in England. As the adult smoking rate in England continues to decline year on year, it has become increasingly concentrated among more disadvantaged communities and groups, leading to an inequality gap in smoking prevalence

Smoking cessation support is a cost effective intervention. Specialised stop smoking support is provided by the Healthy Lifestyles Service. Stop smoking support within General Practice complements this provision.

The Council currently contracts with 57 General Practices for the provision of stop smoking support. The service performs well compared to similar services in the South West and is extremely cost effective.

In a decision dated 22nd June 2022, Cabinet delegated authority to the Director of Public Health, in consultation with the Cabinet Member for Public Health and Communities, to:

- Award by way of a negotiated procedure approximately 70 contracts to General Medical Practices for the delivery of Public Health Enhanced Services (PHES) on the basis set out in the Cabinet Report. Each of the proposed PHES contracts shall continue for an initial period of 2 years (commencing 1st April 2023) and include an option to extend its term for a further period of not more than 3 years. The council shall also reserve a right to terminate each such contract at any time after 31st March 2025;

- Determine whether to exercise the option to extend the term of each of the said contracts for a further period of not more than 3 years on the expiry of the initial 2 year term;
- Determine whether to exercise the option to terminate each of the said contracts at any time after 31st March 2025.

Alternative options considered and why they were rejected

The Director of Public Health does not implement the Cabinet decision

Should the Director of Public Health not implement the Cabinet decision, this would result in the cessation of NHS Health Checks and an end to the provision of LARC, Primary Care sexual health clinics and stop smoking support within General Practices across the county from 31st March 2023.

This option was rejected on the basis that failure to provide NHS Health Checks, LARC and Primary Care sexual health clinics would place the Council in breach of its statutory duty. The Council cannot take a lawful decision to knowingly act in breach of its statutory duty. Furthermore, the decision to not provide stop smoking support via General Practice would remove a key mechanism for delivering its statutory duty to improve the health of the local population and reduce health inequalities.

Risk Analysis

The overall risk is considered low.

Risk of legal challenge under the Public Contract Regulations 2015 (“PCRs”) to direct contract award by way of negotiated procedure to General Practices

The risk is considered low.

A direct contract award is permissible under the Council’s Contract Standing Orders and/or the PCRs on limited grounds. A direct contract award can be justified on grounds that the services can only be provided by specific economic operators because:

- (a) competition is absent for technical reasons;
- (b) no reasonable alternative or substitute service exists; and
- (c) the absence of competition is not due to the Council artificially narrowing the parameters of the procurement (Regulation 32(2)(b)(ii) PCRs).

The Council’s Contract Procedure Rules (CPRs) permit direct contract awards where market analysis has determined that the required services can only be provided by a particular provider.

These tests have been applied to each of the four services comprised in PHES and it has been determined that a direct contract award is justified because (a) competition is absent for technical reasons; and (b) no reasonable alternative or substitute service exists. The evidence of how each of the four services comprised in PHES meet such tests was provided as part of the original [Cabinet Paper report](#).

Financial risk

The risk is considered managed.

NHS Health Checks, LARC and Stop Smoking services are all demand led services, with a payment by activity financial model. There is a risk that activity levels could increase beyond the available budgets.


The services comprised in PHES have been commissioned by the Council for several years, meaning we have at least 5 years of data on activity level to help monitor uptake and model future trends. A review of activity levels for each of these demand-led services suggests that the current budgets are sufficient to meet local needs.

The proposed initial two year fixed contract term enables the Council to review its investment into the PHES according to its financial circumstances. The PHES contract will also include provisions allowing the Council to terminate individual services independently and/or vary the price paid during the contract term to help to mitigate this risk should there be changes in the financial circumstances faced by the Council.

Equalities considerations

Consideration of the likely impact of this decision indicates that there should be no disproportionate impact on those with protected characteristics.

Has an Equality Impact Assessment been completed? Yes – [published here](#)

<p>Has any conflict of interest been declared by any Cabinet Member consulted on the decision?</p> <p><i>The council's Monitoring Officer should be consulted, in the first instance, if any conflict of interest is declared by a Cabinet Member.</i></p> <p>If any conflict of interest declared, was a dispensation granted by the Audit and Governance Committee of the Council?</p>	<p>No</p> <p>Date of dispensation:</p>
<p>Does this decision report form or any supporting papers provided contain confidential or exempt information?</p> <p><i>(Refer to Democratic Services Unit for advice if necessary)</i></p>	<p>No</p> <p><i>If Yes, please provide details of document(s) that are confidential or exempt</i></p>
<p>Does this decision need to be published on the GCC website?</p> <p><i>(Refer to guidance on "Executive Decisions taken by Officers").</i></p>	<p>Yes</p>
<p>In coming to this decision, I have given due and full regard to the requirements of the Public Sector Equality Duty contained in section 149 of the Equality Act 2010 ("the Act") by reference to the law itself and also the relevant Equality Impact Assessment, which was prepared in accordance with the requirements of the Act.</p> <p>Having fully considered all available information, I have decided to reject any alternative options and take the recommended decision(s), for the reasons set out in this report.</p> <p>Signed</p>  <p>Name: Siobhan Farmer Title: Director of Public Health</p>	
<p>Date: 09/03/2023</p>	
<p>Contact details for further information: Officer: Vikki Clarke Tel: 01452 328613 Email: vikki.clarke@gloucestershire.gov.uk</p>	

Annex 1

List of General Medical Practices Signing up for the provision of Public Health Enhanced Services (PHES)

Practice Name	Address
Acorn Practice	May Lane Surgery, 27 May Lane, Dursley, GL11 4JN
Aspen Medical Practice	Aspen Centre, Horton Road, Gloucester, GL1 3PX
Beeches Green Surgery	Beeches Green, Stroud, GL5 4BH
Berkeley Place Surgery	The Wilson Health Centre, 236 Prestbury Road, Cheltenham, GL52 3EY
Blakeney Surgery	Millend, Blakeney, GL15 4ED
Brockworth Surgery	Abbottswood Road, Brockworth, GL3 4PE
Cam & Uley Family Practice	Fairmead, Cam, Dursley, GL11 5NE
Chipping Campden Surgery	Back Ends, Chipping Campden, GL55 6AU
Church Street Medical	The Devereux Centre, Barton Road, Tewkesbury, GL20 5GJ
Churchdown Surgery	Parton Road, Churchdown, GL3 2JH
Cirencester Health Group	1 The Avenue, Cirencester, GL7 1EH
Cleavelands Medical Centre	Sapphire Road, Bishops Cleeve, Cheltenham, GL52 7YU
Coleford Family Doctors	Coleford Health Centre, Railway Drive, Coleford, GL16 8RH
Cotswold Medical Practice	Moore Health Centre, Moore Road, Bourton on the Water, GL54 2AZ
Culverhay Surgery	Wotton under Edge, GL12 7LS
Dockham Surgery	Cinderford Medical Centre, Valley Road, Cinderford, GL14 2NX
Drybrook Surgery	Drybrook Road, Drybrook, GL17 9JE
Five Valleys Medical Practice	Beeches Green Health Centre, Stroud, GL5 4BH
Forest Health Care	Cinderford Medical Centre, Valley Road, Cinderford, GL14 2NX
Frithwood Surgery	45 Tanglewood Way, Bussage, Stroud, GL6 8DE
Gloucester Health Access Centre	Quayside House, Quay Street, Gloucester, GL1 2TZ
Hadwen Health	Glevum Way, Abbeydale, Gloucester, GL4 4BL
High Street Medical Centre	31 High Street, Stonehouse, GL10 2NG
Hilary Cottage Surgery	Keble Lawns, Fairford, GL7 4BQ
Hucclecote Surgery	5a Brookfield Road, Hucclecote, Gloucester, GL3 3HB
Kingsholm Surgery	Alvin Street, Gloucester, GL1 3EN
Leckhampton Surgery	17 Moorend Road, Leckhampton, Cheltenham, GL53 0LA
Longlevens Surgery	19b Church Road, Longlevens, Gloucester, GL2 0AJ
Mann Cottage Surgery	Four Shires Medical Centre, Stow Road, Moreton in Marsh, GL56 0DS
Minchinhampton Surgery	Bell Lane, Stroud, GL5 9JF
Mitcheldean Surgery	Brook Street, Mitcheldean, GL17 0AU
Mythe Medical Practice	First Floor, The Devereux Centre, Barton Road, Tewkesbury, GL20 5GJ
Newent Doctors Practice	Holts Health Centre, Watery Lane, Newent, GL18 1BA
Newnham & Westbury Surgery	Rodley Road, Westbury on Severn, GL14 1PF
Overton Park Surgery	Overton Park Road, Cheltenham, GL50 3BP
Painswick Surgery	Hoyland House, Gyde Road, Painswick, GL6 6RD
Partners in Health	Pavilion & St James Family Doctors, 153a Stroud Road, Gloucester, GL1 5JJ
Phoenix Health Group	9 Chesterton Lane, Cirencester, GL7 1XG
Prestbury Park Medical	The Wilson Health Centre, 236 Prestbury Road, Cheltenham, GL52 3EY

Prices Mill Surgery	Newmarket Road, Nailsworth, GL6 0DQ
Quedgeley Medical Centre	Olympus Park, Quedgeley, GL2 4NF
Regent Street Surgery	73 Regent Street, Stonehouse, GL10 2AA
Rendcomb Surgery	Rendcomb, Cirencester, GL7 7EY
Rosebank Health	Kingsway Health Centre, Rudloe Drive, Kingsway, Gloucester, GL2 2FY
Rowcroft Medical	Rowcroft Retreat, Stroud, GL5 3BE
Royal Crescent Surgery	The Wilson Health Centre, 236 Prestbury Road, Cheltenham, GL52 3EY
Severnbank Surgery	Tutnalls Street, Lydney, GL15 5PF
Severnside Medical Practice	Quayside House, Quay Street, Gloucester, GL1 2TZ
Sixways Clinic	London Road, Cheltenham, GL52 6HS
St Catherines Surgery	St Paul's Medical Centre, 121 Swindon Rd, Cheltenham, GL50 4DP
St Georges Surgery	St Pauls Medical Centre, 121 Swindon Road, Cheltenham, GL50 4DP
Staunton & Corse Surgery	Gloucester Road, Corse, GL19 3RB
Stoke Road Surgery	4 Stoke Road, Bishop's Cleeve, Cheltenham, GL52 8RP
Stonehouse Health Clinic	High Street, Stonehouse, GL10 2NG
Stow Surgery	Maugersbury Road, Stow on the Wold, GL54 1AX
The Alney Practice	Lassington Lane, Highnam, GL2 8DJ
The Brunston & Lydbrook Practice	Cinderhill, Coleford, GL16 8HJ
The Chipping Surgery	Symm Lane, Wotton-under-Edge, GL12 7BD
The Royal Well Surgery	St Pauls Medical Centre, 121 Swindon Road, Cheltenham, GL50 4DP
The White House Surgery	Four Shires Medical Centre, Stow Road, Moreton-in-Marsh, GL56 0DS
Underwood Surgery	139 St George's Road, Cheltenham, GL50 3EQ
Upper Thames Medical Group	The Park Surgery, Tetbury Road, Cirencester, GL7 1US
Walnut Tree Practice	May Lane Surgery, 27 May Lane, Dursley, GL11 4JN
West Cheltenham Medical	Hesters Way Community Resource Centre, Cassin Drive, Cheltenham, GL51 7SU
Weston House Practice	St Paul's Medical Centre, 121 Swindon Rd, Cheltenham, GL50 4DP
Winchcombe Medical Centre	Greet Road, Cheltenham, GL54 5GZ
Yorkleigh Surgery	93 St Georges Road, Cheltenham, GL50 3ED
Yorkley Health Centre and Bream Surgery	Bailey Hill, Yorkley, GL15 4RS