

**Health and Adult Social Care Policy and  
Scrutiny Committee**

**22 November 2022**

Report of the Director of Public Health

Portfolio of the Executive Member for Adult Social Care and Public  
Health

**Recommissioning of Sexual Health and Contraception Services**

**Summary**

1. The purpose of this report is to seek feedback and comments from Health and Adult Social Care Policy and Scrutiny Committee ahead of the report to the Executive in February 2023. The Executive will be asked to make a decision on the options available to the council for the recommissioning of sexual health and contraception services, and to approve that the decision to award the contract be delegated to the Director of Public Health. In line with City of York Council's own Contract Procedure Rules and EU procurement legislation, the Council is required to procure these services through a competitive process.
2. Local authorities have a statutory responsibility to commission specialist sexual health services for their population. This includes HIV prevention, sexual health promotion, open access genitourinary medicine and contraception services.
3. The proposal is to award a new contract for five years with an option to extend by a further five years, subject to performance, up to a maximum of ten years. Extensions will be based on performance related quality measures and delivery of key health outcomes. This is considered to be the option which will lead to the Council obtaining best value for money whilst meeting its statutory obligations and provide a clinically safe and effective service for its residents.

## **Recommendations**

4. Health and Adult Social Care Policy and Scrutiny Committee is asked to comment on the report and the recommendations below that will be presented to the Executive for decision:
  - a) Authorise officers within City of York Council to approach the market to inform the commissioning and procurement of a sexual health service to start from 01 July 2024.
  - b) Authorise the Director of Public Health, in discussion with the Executive Member with responsibility for the Public Health portfolio, to accept the highest scoring tender in accordance with evaluation criteria and award a contract.
  - c) Delegate authority to the Director of Public Health to manage this contract including any variations and planned extensions as per City of York Council policy and procedures.

Reason: To meet the council's statutory responsibilities under the Health and Social Care Act 2012 and enable sexual health services to be available to York residents that are clinically safe, value for money and responsive to local need.

## **Background**

5. City of York Council became responsible for commissioning sexual health and contraception services when responsibilities for public health functions were transferred to the Council in April 2013.
6. Sexual health and contraception services are funded by the local authority ring-fenced Public Health Grant Allocation. The Department of Health sets out a number of conditions for use of the public health grant. Local authorities are required to submit performance monitoring reports on sexual health outcomes as part of the Public Health Outcomes Framework.
7. Sexually transmitted infections (STI's) are a recognised issue for any city and York is no exception, all cities need to maintain services to protect the health of residents and prevent disease outbreaks.
8. Providing open access, all age services across the city reduces sexual health inequalities and risks to the population. Many of the

adult population in York will be sexually active and so access to quality sexual health services improves the health and wellbeing of both individuals and communities.

9. A sexual health needs assessment is in the process of being completed following customer and stakeholder consultation. However we know that sexual ill-health is not equally distributed within the population. Strong links exist between deprivation sexually transmitted infections, teenage conceptions and abortions with the highest burden borne by women, men who have sex with men, teenagers, young adults and minority ethnic groups. Some groups at higher risk of poor sexual health can face stigma and discrimination, which in turn can affect their ability to access services.
10. The impacts of poor sexual health are felt across the population and the evidence base shows that investment in sexual health services results in a strong and substantial return on investment.
11. This proposal falls within Key Decisions due to the annual value of the contracts and as such will be presented to Executive for decision.

### **Proposed Procurement Strategy**

12. Working alongside our colleagues in commercial procurement, finance and legal we will consider a number of options to commission a sexual health and contraception service including the option of going out to competitive tender working towards a commencement date for the new contract to be implemented from 1 July 2024.
13. It should be noted, however, that the last two occasions the council went out to competitive tender for sexual health services in 2016 and 2019, there was no market response and on both occasions the contract was awarded to the existing sexual health services provider which is York and Scarborough Hospitals NHS Foundation Trust (the Trust). Therefore, we are also exploring the option of entering into a Section 75 partnership agreement with the Trust for award of a contract without going out to competitive award. It should be noted that North Yorkshire County Council have already entered into a Section 75 agreement with the Trust for provision of their sexual health service.

14. The tender evaluation will follow an 80% quality and 20% financial assessment model. This is to reflect the complex nature of the submission which cannot be dealt with on a lowest price submission weighting. A waiver will be submitted for approval for this methodology.

### **Service detail**

15. The service specification will be developed as a result of several influencing factors: National statutory obligations, clinical safety, best practice guidelines, local needs analysis, stakeholder and customer consultation as well as benchmarking against other models in similar local authorities.
16. The service specification has not been included as part of this report. It is still being developed subject to feedback as part of the consultation.
17. The specification will set out City of York Council's ambition for the transformation of sexual health services in York and will explain the detailed requirements the Council have to provide the specialist expertise that will be vital in leading and achieving the desired outcomes for its residents.
18. Any service specification for this type of service must follow a recognised clinically safe framework which is set out at national level.

### **Consultation**

19. A consultation exercise is being undertaken during the period September to December 2022 involving service users, the public, potential service providers and wider stakeholders. This includes:
  - a. Local Sexual Health Needs Assessment to be completed.
  - b. Equality Impact Assessment to be completed.
  - c. An engagement event took place on 25 October 2022 with potential providers. We are in the process of evaluating their feedback.
  - d. A service user questionnaire has been disseminated with paper copies also being available in the sexual health service.

- e. A wider stakeholder survey is also being disseminated together with face-to-face discussions with NHS partners.
20. On completion of these a report will be produced for the Executive outlining the feedback with recommendations for the future provision of sexual health and contraception services and the procurement options for Executive Decision.

### **Options**

21. There are no options to consider in this report.

### **Analysis**

22. This is a report for information so that members of Health and Adult Scrutiny Policy and Scrutiny Committee are able to discuss any issues and make recommendations for consideration by the Executive when making their decision

### **Council Plan**

23. The proposal directly relates to the Council Plan priority for Good Health and Wellbeing.

### **Specialist Implications**

#### **Financial**

24. York is one of the lowest funded local authorities in the country (£37 per head compared to £55 per head average) and, like other authorities, the Public Health Grant received from the Government reduced by approximately 2.6% each year from 2016/17 through to 2019/20 and these budget reductions have not been restored. In these circumstances, the Council is facing difficult decisions when service contracts are renewed.
25. A benchmarking exercise has shown that York spends just under 24% of our local authority public health grant allocation on sexual health services compared with the England average of 16.44%. It should be recognised, however, that York has one of the largest proportions of 15 to 24 year olds in its population who are the highest users of sexual health services and so it is reasonable that York spends a higher proportion than the national average.

26. Total spend on sexual health services in 2022/23 was £1,89 million which includes £330,000 for Long Acting Reversible Contraception delivered in GP surgeries.
27. There are no savings agreed for sexual health and contraceptive services as part of budget proposals. However, it is not anticipated that the local authority public health grant allocation will be increased and so efficiencies will need to be found against the sexual health services budget because of inflationary pressures on other areas of public health services.
28. Most importantly it is a recommendation from the Director of Public Health that we increase investment in child public health services provision to respond to the impacts of the Covid-19 pandemic. Overall, following a reallocation of funds for child public health services, the proposed budget available to commission sexual health and contraception services and award a contract from 2024 onwards will be in the region of £1.8 million per annum.
29. Given the importance of sexual health services provision within Public Health it is not currently proposed to seek further service reductions to be made over the length of the contract term.

### **Human Resources (HR)**

30. There are no Human Resources implications from this report.

### **Equalities**

31. The Council must, in the exercise of its functions have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it. The Council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons disabilities, and encourage people to participate in public life. The Council must have due regard to the need to tackle prejudice and promote understanding.
32. An Equality Impact Assessment is currently in progress and will be published along with the Executive report.

## **Legal**

33. Section 12 of the Health and Social Care Act 2012 imposes a statutory duty on local authorities to take such steps as it considers appropriate for improving the health of the people in its area and addressing behaviour that is detrimental to health. The provision of the services discussed within this report should therefore fall within this section.
34. The procurement of these services will be undertaken in accordance with the Public Contracts Regulations 2015 (PCRs) as well as in compliance with the Contract Procedure Rules of the Council. The legal and procurement team will advise and guide accordingly.
35. For the purposes of the PCRs, sexual health and contraception services would be subject to the PCR Light Touch Regime (LTR). LTR services are subject to a threshold of £663, 540 (as at October 2022) and it is understood that sexual health and contraception services will fall above this threshold.
36. Any potential Section 75 agreement with the York and Scarborough Hospitals NHS Trust for the provision of sexual health and contraception services would be subject to the requirements of the NHS Act 2006, the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000 and related law.
37. City of York Council currently has a Section 75 agreement with the NHS Humber and North Yorkshire Integrated Care Board for the provision of Long Acting Reversible Contraception (LARC) in primary care. Under this Section 75 agreement, the council has an obligation to commission a LARC service that covers both NHS gynaecological LARC and the council's contraceptive LARC services until 2026. The LARC element therefore will need to be dealt with separately. The legal options for this will be explored more fully in the Executive decision report.

## **Crime and Disorder**

38. There are some shared links to crime and disorder, the service offer will include occasional contact with victims of sex crime,

domestic violence as well as illegal sex working, modern slavery and child sexual exploitation cases.

### **Information Technology (IT)**

39. There are no IT implications.

### **Property**

40. There are no property implications.

### **Risk Management**

41. There are risks associated with securing a safe and effective service with the budget available. These key risks and mitigations are set out below:

- Failed tender procedure
- Inability to provide mandated sexual health service
- Poor sexual health outcomes for the population of York including -
  - Reduced clinical safety leading to an increased risk of uncontrolled sexually transmitted infection outbreaks.
  - Negative social impact on the population of York e.g. a rise in under 18 conception rates leading to an increased demand on children's services
  - Increase in morbidity and premature mortality rates
- Reputational damage to the Council for not meeting its statutory duty to ensure free and open access to sexual health services for its residents

42. These risks are being mitigated through partnership working and system wide public health leadership and ongoing clinical engagement with the York Health and Care Partnership and seeking to establish shared care pathways.

43. The risk of a failed tender procedure is being mitigated through market appraisal and soft market testing and by consideration of entering into a Section 75 partnership agreement with the current sexual health services provider if there is no market response.



## Contact Details

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**Report  
Approved**

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**Specialist Implications Officer(s)**

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**Wards Affected:** *List wards or tick box to indicate all*

**All**

**For further information please contact the authors of the report**