

## Record of Decisions

### 0-19 Service Procurement

#### Decision Taker

Cabinet on 11 July 2024.

#### Decision

1. That the Director of Public Health be given delegated authority to direct award to Torbay and South Devon Foundation Trust the 0-5 services (Health Visitors and Family Hubs) alongside school nurses by following the Health Care Services Provider Selection Regime (('PSR for Health') which is a UK Government set of regulations for procuring health care services).
2. That the Director of Children's Services be given delegated authority:
  - i) to bring young people's substance misuse and return home conversation provisions 'in-house' so those delivering services are under direct control of the Local Authority (through a HR process of TUPE staff into the Local Authority).
  - ii) To re-procure Advocacy and Independent Visitors Services via an open market tender opportunity.

#### Reason for the Decision

The elements of the service that are proposed for a direct award allows the Authority to maintain services that are in broad terms, currently delivering against their contractual aims and objectives and are delivering services effectively to Torbay's residents. Furthermore, it allows for the Authority to build on the developing youth provision locally to give more coherence and resilience to this emerging offer. This in turn will support the development of an offer for a potential future procurement.

#### Implementation

This decision will come into force and may be implemented on 22 July 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

Torbay Council, specifically Public Health and Children's Social Care, are responsible for commissioning most of the services that sit within the Healthy Child Programme, also known as 0-19 provision. The current 0-19 Service contract, held by Torbay and South Devon NHS Foundation Trust with Action for Children and The Children's Society - Checkpoint as sub-contracted providers, expired in March 2024 and a further one-year extension has been agreed with the contract holder until 31 March 2025.

Procurement planning for a new service has commenced and recommends that the Local Authority should undertake a 'hybrid' commissioning model for a new set of services by 31 March 2025.

Specifically, this hybrid model includes the enactment of three separate procurement

processes:

1. To direct award to Torbay and South Devon Foundation Trust the 0-5 services (Health Visitors and Family Hubs) alongside school nurses by following the Health Care Services Provider Selection Regime (('PSR for Health') which is a UK Government set of regulations for procuring health care services).
2. To bring young people's substance misuse and return home conversation provisions 'in-house' so those delivering services are under direct control of the Local Authority (through a HR process of TUPE staff into the Local Authority).
3. To re-procure Advocacy and Independent Visitors Services via an open market tender opportunity.

At the meeting, Councillor Tranter proposed and Councillor Bye seconded a motion that was agreed unanimously by the Cabinet, as set out above.

### **Alternative Options considered and rejected at the time of the decision**

The options were:

Option 1 - was to 'do nothing' and continue with the contract 'as is' with no material change to the core contract or the delivery partners until the contract reaches its natural end point in March 2028. Whilst this maintains systems and pathways, it does not give additional scope or capability to reconfigure the services as required.

Option 2: Bring in-house the whole of the current provision. This would give the Authority total control of the services, but some are required under guidance or legislation to be arm's length from the Authority (e.g. advocacy) and equally would place significant burdens on the Authority to oversee a workforce whereby the capacity, skills and competence to do so does not currently exist (such as the NHS nursing workforce in 0-19).

Option 3: undertake an open market procurement for the services. This option would enable a full-service redesign to occur but wouldn't enable those services that could form part of the emerging youth offer to integrate into this offer. Additionally, this would create a significant operational burden on officers (and provider services) to undertake a complex wholesale procurement whereby the drivers for such a process across all services involved were not present.

Option 4: undertake the hybrid model of procurement whereby some services were procured on the market, some were procured via direct award and some were 'in-housed'. This option best addresses the weak spots in the model currently and allows for the integration of appropriate services into a youth model, whilst maintaining provisions where there are no significant material deficits. This route also avoids significant system destabilisation and increased officer and partner organisation workload to procure services unnecessarily. It does however allow services where an open market procurement is in the organisations and young people's best interests, to occur.

### **Is this a Key Decision?**

No

**Does the call-in procedure apply?**

Yes

**Declarations of interest** (including details of any relevant dispensations issued by the Standards Committee)

None

**Published**

12 July 2024

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet