

**Report of Head of Public Health (Children and Families) and Commissioning Manager**

**Report to Director of Public Health**

**Date: 2<sup>nd</sup> December 2020**

**Subject: Request to invoke CPR 9.5 to enter into a direct award with HENRY**

|   |   |
|---|---|
| Are specific electoral wards affected?<br>If yes, name(s) of ward(s):           | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Has consultation been carried out?  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Is the decision eligible for call-in?   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information?                     | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

**Summary**

**1. Main issues**

1. Leeds City Council currently has a contract with HENRY to support the delivery of the *Healthy Families: Right from the Start* programme in the city. The contract covers a licence, workforce training and provision of resources.
2. The current contract commenced on 1st April 2017 for 2 years with a 24 month extension period. The extension period has been utilised and the contract is due to expire on 31<sup>st</sup> March 2021.
3. Delivery of the programme is embedded into the local Healthy Child Programme and undertaken by the Leeds City Council commissioned service: Leeds Community Healthcare NHS Trust - 0-19 Public Healthy Integrated Nursing Service (PHINS) and Leeds City Council - Children's Centres Early Years Family Outreach workers.

4. The HENRY programme is unique in that it uses a holistic approach to support the whole family to make positive lifestyle changes, including a central focus on developing warm responsive parenting, emotional wellbeing, behavioural change theory, alongside activity and nutrition.

## **2. Best Council Plan Implications** (click [here](#) for the latest version of the Best Council Plan)

This service will contribute to the following priorities:

- Child Friendly City - Supporting families to give children the best start in life
- Health and Wellbeing - Reducing health inequalities and improving the health of the poorest the fastest
- Inclusive Growth - Supporting residents to improve skills, helping people into work and into better jobs

## **3. Resource Implications**

- The total value of this decision is £148,380 – this will be for a contractual arrangement of 3 years with the option to extend for a period of up to 36 months.
- Officer time will be necessary in order to formalise the contract via direct award and future contract monitoring. This will be met through existing capacity from within the Public Health team.
- In light of the council's current financial situation, it is acknowledged that efficiencies may be required in the future on this contract and these would be the subject of a contract variation or reflected in the final contracting documentation.

## **Recommendations**

The Director of Public Health is recommended to:

- (i) Approve the request to invoke CPR 9.5 to enter into a direct award with the third sector provider HENRY from 1<sup>st</sup> April 2021.
- (ii) Approve the award of the contract to HENRY in the sum of £148,380 for the overall contract period (£24,730 per annum). The contract shall commence on the 1<sup>st</sup> April 2021 and expire on the 31<sup>st</sup> March 2024 with the option to extend for a period of up to 36 months.

## 1. Purpose of this report

- 1.1 The purpose of this report is to seek approval to invoke CPR 9.5 to enter into a direct award with the third sector provider HENRY from 1<sup>st</sup> April 2021.
- 1.3 The proposed arrangements for the contract will start on 1<sup>st</sup> April 2021 for 3 years with the option to extend for up to 36 months.
- 1.4 The new contract will ensure the delivery in Leeds most deprived communities is continued. The organisation has a proven record of supporting the programmes for families.

### Contract details

| Provider | Contract name         | Existing Contract Ref | New overall Contract Value |
|----------|-----------------------|-----------------------|----------------------------|
| HENRY    | Children and Families | DN230412              | £148,380                   |

## 2. Background information

- 2.1 The Adults and Health Directorate currently commission HENRY to support delivery of the family programmes in Leeds. This support includes delivering Group Facilitation training so family outreach workers and family health workers are equipped to deliver the family programmes and in addition making resources available for families as required. HENRY have responded to the pandemic by enabling delivery of the programmes remotely and offered support to staff to adapt to this delivery model.
- 2.3 The current contract arrangements were put in place on 1<sup>st</sup> April 2017 for 2 years (with an option to extend for a further 2 years). The extension period has been utilised and the contract is due to expire on 31<sup>st</sup> March 2021.
- 2.4 In 2019 Leeds demonstrated that in order to tackle Children's unhealthy weight a sustained evidence based approach and commitment was required. Investing in HENRY was one element of this. The city has invested money in training over 1300 staff to use the approach not just to deliver HENRY but to support families using collaborative approaches with other issues, which fits the cities approach. HENRY is a firmly established and embedded offer which families know and are comfortable accessing. A further long term contract would enable this success to be extended and also ensure that the new contract with Henry is in line with the provision of the 0-19 Public Health Integrated Nursing Service which ends on 31<sup>st</sup> March 2027.
- 2.5 Throughout the contract Public Health has worked closely with the provider to ensure the service reflect the latest evidence base with regard to children's healthy weight support and the health and well-being agenda, to ensure best use of group provision and to ensure the services are available and accessible.

2.6 The organisation is well known and respected and the approach is embedded within local services. The service provides good value for money.

### **3 Main issues**

3.1 The current HENRY contract is due to expire on the 31<sup>st</sup> March 2021. There are no options to further extend the contracts.

3.2 This organisation is the only provider of the HENRY Right from the Start Evidence based programme.

3.3 Since 2008 continued investment in HENRY has enabled over 1500 staff to be HENRY trained which has embedded a collaborative approach within the Early Years staff (children's centre and family outreach workers) and the 0-19 PHINS staff. This contract will provide the necessary license, resources and workforce development support needed to maintain Leeds current evidence based HENRY offer.

3.4 The programme was given the highest rating by the Early Intervention Foundation for the strength of evidence for the programme's impact and its relative costs. <https://guidebook.eif.org.uk/>  
The programme also incorporates the proven Family Partnership Model, Strengths and solution based practice and Motivational Interviewing.

3.5 Independent research by the University of Oxford published in the journal Pediatric Obesity <https://onlinelibrary.wiley.com/doi/full/10.1111/ijpo.12529>, highlighted the associated role of the HENRY Healthy Families Right from the Start programme in the city's success in reducing the rates of unhealthy weight of reception children. In 2019 Leeds was nationally recognised as the first UK city to lower its childhood obesity rate

3.6 Some other programmes (e.g. Trim Tots) are now available for promoting healthy lifestyles. These do not as yet have as extensive an evidence base as the HENRY programme and would be more expensive to implement in Leeds, for example Trim Tots would cost £38,500 pa for 16 staff to be trained and 3 programmes to be delivered. Continued investment in the HENRY contract will enable 90 programmes per annum to be delivered across the city to approximately 900 families.

3.7 There are no internal service providers that are capable of delivering the services provided by the current organisation.

3.8 The provider is committed to working in partnership.

3.9 Once approval to award has been obtained a contract will be entered into using the council's standard documentation.

#### **Consequences if the proposed action is not approved**

3.10 Should the approvals not be granted; the current contract will cease on 31<sup>st</sup> March 2021 and this would result in the loss of the HENRY programme in

Leeds and the support it provides for families in the city. This would result in a loss of support for families to provide a healthy lifestyle for their children. There will be an increase in unhealthy weight in children along with unplanned and uncoordinated support which is not evidence based.

- 3.11 The HENRY programme is currently an embedded part of the Healthy Child Programme 0-19 Public Health Integrated Nursing Service and Healthy Weight Strategy. Without the HENRY contract in Leeds the delivery of the HENRY programme for around 900 families will not be available.

## **4 Corporate considerations**

### **4.1 Consultation and engagement**

The request to enter into a new contracts and maintain provision with the current service provider means that there has been no change to current service provision and therefore no specific consultation has been required to take place.

### **4.2 Equality and diversity / cohesion and integration**

- 4.2.1 There are no equality issues as services are not being removed.

### **4.3 Council policies and Best Council Plan**

- 4.3.1 Continuity of the identified services will support the delivery of key public health priorities, which will help to deliver:

- Vision for Leeds 2011 to 2030
- Leeds Health and Wellbeing Strategy 2016 – 21
- Best Council Plan 2020-2025
- Leeds Children and Young People's Plan 2018-2023
- The NHS Five Year Forward View and NHS Planning Guidance
- Leeds Best Start Plan 2015-2025
- Leeds Child Healthy Weight Plan 2018-2021
- Leeds Inclusive Growth Strategy 2018-2023

### **4.4 Climate Emergency**

- 4.4.1 The service specification requires the service to meet all legislation, guidance and good industry practice in environmental management and the objectives of the Council's sustainability policies. Officers from Adults and Health and Public Health will work with the service through the established contract management process to ensure the service is proactively seeking to minimise its carbon footprint and thereby support the Council in achieving its ambition to be carbon neutral by 2030.

### **4.5 Resources, procurement and value for money**

- 4.5.1 The annual contract value is £24,730 and this figure is provided for in the public health budgets. The total contract value including extension periods is £148,380.
- 4.5.2 In light of the council's current financial situation, it is acknowledged that efficiencies may be required in the future on this contract and these would be the subject of a contract variation or reflected in the final contracting documentation.
- 4.5.3 The new contract will continue to be managed to ensure delivery of the required elements takes place and value for money is being achieved for the Council.
- 4.5.4 No advertising has been undertaken on Yortender for this contract. The reasons for this are:
- (i) We are seeking approval to invoke CPR 9.5 to enter into a direct award with the third sector provider HENRY from 1<sup>st</sup> April 2021. Henry is the only provider of this licence, resources and workforce development support required to enable Leeds Early Years services to continue to deliver this programme

#### **4.6 Legal implications, access to information, and call-in**

- 4.6.1 This is a Significant Operational Decision and therefore the decision is not subject to call-in.
- 4.6.2 There are no grounds for keeping the contents of this report confidential under the Access to Information Rules.
- 4.6.3 Awarding the new contract direct to this provider in this way could leave the Council open to a potential claim from other providers, to whom this contract could be of interest, that it has not been wholly transparent. In terms of transparency it should be noted that case law suggests that the Council should always consider whether contracts of this value could be of interest to contractors on other EU member states and, if it could, the opportunity should be subject to a degree of European wide advertising. It is up to the Council to decide what degree of advertising would be appropriate. In particular, consideration should be given to the subject-matter of the contract, its estimated value, the specifics of the sector concerned (size and structure of the market, commercial practices, etc.) and the geographical location of the place of performance.
- 4.6.4 The Director of Public Health has considered this and, due to the nature of the services being delivered and the relatively low contract value is of the view that the scope and nature of the services is such that it would not be of interest to providers in other EU member states.
- 4.6.5 There is a risk of an ombudsman investigation arising from a complaint that the Council has not followed reasonable procedures, resulting in a loss of opportunity. Obviously, the complainant would have to establish

maladministration. It is not considered that such an investigation would necessarily result in a finding of maladministration however such investigations are by their nature more subjective than legal proceedings.

- 4.6.6 Advice has been sought from Procurement and Commercial Services and will continue to be sought through to contract award.
- 4.6.8 Subsequent decisions arising from this report, for example the decision to award the contract, will therefore be significant operational decisions which will not be subject to call in.

## **4.7 Risk management**

- 4.7.1 The new contract arrangements as described in this report, will allow continuity of service provision and enable the Council and the providers to continue to work together to integrate and enhance services whilst developing new service requirements to meet future needs. This contract will continue to be performance managed by the Council to ensure value for money is being achieved and any performance issues can be addressed.
- 4.7.2 Without this new arrangement, this service would fall out of contract causing significant risk to the Council and its provider. Should the services not continue to be delivered beyond the expiry of the current contract, this would result in people being without support, and increases in child obesity levels and health inequalities across the city.

## **5 Conclusions**

- 5.1 This contract will provide the necessary license, resources and workforce development support needed to maintain Leeds current evidence based HENRY offer.
- 5.2 This report is to seek approval to invoke CPR 9.5 to enter into a direct award with the third sector provider HENRY from 1<sup>st</sup> April 2021.
- 5.3 It is proposed that the contract will be for 3 years (with the option to extend for up to 36 months) starting from 1<sup>st</sup> April 2021.
- 5.4 The new contracts will be offered on Local Authority standard terms and conditions, a review of performance measures will take place and implemented to ensure robust performance monitoring takes place in order to ensure the Council receives value for money.

## **6 Recommendations**

The Director of Public Health is recommended to:

- (i) Approve the request to invoke CPR 9.5 to enter into a direct award with the third sector provider HENRY from 1<sup>st</sup> April 2021.
- (ii) Approve the award of the contract to HENRY in the sum of £148,380 for the overall contract period (£24,730 per annum). The contract shall commence on the 1<sup>st</sup> April 2021 and expire on the 31<sup>st</sup> March 2024 with the option to extend for a period of up to 36 months in any combination

## **7 Background documents<sup>1</sup>**

7.1 None.

---

<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.