

KENT COUNTY COUNCIL – RECORD OF OFFICER DECISION

DECISION TAKEN BY:

Dr Anjan Ghosh Director of Public Health

DECISION NO:

OD/24/00003

For publication Yes

Subject matter: Increase in funding received from NHS England to cover HIV services.

Cabinet Member decision to which this action relates:

Cabinet Member for Adult Social Care and Public Health

Key Decision **19/00064** [Issue details - 19/00064 - Kent County Council and Kent Community Health NHS Foundation Trust collaborative partnership - delivery and transformation of Public Health services](#)

Decision:

As Director of Public Health, I agree to receive additional funding from NHS England (NHSE) for the commissioning of HIV care and treatment services commissioned from specialist providers. This funding, amounting to an increase from £1,787,386.00 to £2,266,655, is essential to address the rising demand and accommodate the Agenda for Change pay uplifts for NHS staff, effective from the fiscal year 2023/24.

Reason for the decision:

NHSE are responsible for commissioning HIV care and treatment services commissioned from specialist providers. Through a Section 75 agreement, NHSE have devolved the commissioning responsibilities of HIV care and treatment services commissioned from specialist providers. This service is provided under the co-operation agreement KCC has with Kent Community NHS Foundation Trust (KCHFT) and Maidstone Tunbridge Wells Trust (MTW), incorporated into the Integrated Sexual Health Service.

Engagement in negotiations with NHSE in April 2023, KCC sought increased funding to accommodate rising service demand pressures and the national Agenda for Change (AfC) pay uplift for NHS staff. Subsequently, NHSE approved an additional £479,269 in October 2023, bringing the total funding to £2,266,655. This decision ensures that there is adequate funding to cover the costs of delivering this crucial service. The review of costs for the 2024/25 funding cannot be finalised until the grant allocation for AfC is published.

Financial Implications:

The funding KCC receives from NHSE will be passed through to KCHFT and MTW as stipulated in the co-operation agreement (to the extent that they incur the costs). To avoid any risk of a shortfall to KCC, it is imperative that the funding from the NHSE is regularly reviewed and up-dated to ensure that it is sufficient to meet the evolving demands of the service provision.

Legal implications:

The section 75 agreement in place between KCC and NHSE places responsibility for commissioning this service with KCC. The funding acceptance and management is progressed in accordance with KCC's obligations under the agreement. The uplifts are being managed via current providers to address cost and demand inflation – no legal, procurement or commissioning risks have been identified.

Consultations with the Office of the General Council have been conducted regarding the acceptance of this funding, and no external legal advice is deemed necessary at this stage. However, legal advice will be sought once the contract is re-let.

Equality Implications:

The decision to receive additional funding will not have any implications on equality, there is no change to the service model.

Comments received from any Members or Officers consulted:

Public Health Finance Business Partner has been consulted and is happy to support this decision.

Cabinet Member for Adult Social Care and Public Health:

Any alternatives considered and rejected:

The possibility of not accepting the funding was deliberated, but it was ultimately rejected. The alternative would have compelled KCC to either bear the cost of services delivered by our providers or curtail the service to align with the financial envelope. Rejecting the funding could pose public health risks, particularly in the management of those with or newly diagnosed with HIV.

Any conflict of interest declared by any executive member consulted by the decision maker and any dispensation granted by the Proper Officer:

None

Signed

date



23 February 2024

Signed:

Dr Anjan Ghosh Director of Public Health