

KENT COUNTY COUNCIL – RECORD OF OFFICER DECISION

DECISION TAKEN BY:

Anjan Ghosh, Director of Public Health

DECISION NO:

To be completed by
Democratic Services

For publication

Subject matter:

Extension and variation of the contract for *The Provision of A Free Condom Programme for Young People Throughout Kent* until 31 March 2028.

Cabinet Member decision to which this action relates: Relating to key decision 18/00051b taken in October 2018, <https://democracy.kent.gov.uk/mglIssueHistoryHome.aspx?Id=49560&Opt=0>

Decision: Extension and variation of *The Provision Of A Free Condom Programme For Young People Throughout Kent* with the current provider, METRO CENTRE LTD, until 31 March 2028. This is in line with the key decision 18/00051b.

Reason(s) for decision:

The current contract is due to end on 31 March 2025. The contract was extended in 2022 for three years, as per original contract, and has an option to extend by three years more. Metro Centre Ltd, the contracted provider, has delivered towards its intended outcomes since it commenced in 2019. This includes provision of a robust condom programme, face to face outreach activity, and sexual health training for practitioners working with young people. Feedback from Metro's service users and training recipients has consistently reflected high satisfaction.

The free condom programme for young people throughout Kent was considered among other Sexual Health services during the early phases of the Public Health Service Transformation (PHST) Programme. Given the good performance against KPIs during the first extension and the service's essential nature as frontline prevention of STIs and unwanted pregnancies, it was recommended that the second extension to the contract is enacted. Noting the recommendation to extend and the low value of the contract the PHST Steering Group has (27/03/2024) removed *The provision of A Free Condom Programme Throughout Kent* from the scope of the PHST programme. Variation of the contract will be informed by the Kent Sexual Health Needs Assessment and aligned with the PHST, including consideration of cost efficiency.

The Commissioners, along with the Public Health Specialist and Consultant, will work together to amend the Key Performance Indicators and activity metrics which will be informed by learning from throughout the contractual term (3+3 years), to ensure they are fit for purpose. These amendments will constitute a minor contract variation, the services provided will continue in line with the original outcomes desired when the contract was procured. The specification will be updated in collaboration with the Consultant in Public Health and informed by the Kent Sexual Health Needs Assessment.

Themes of the changes include:

- Refining how the resources within the service are used to provide greater visibility of activity and to accommodate shifting priorities while strengthening the model.
- Reviewing and refreshing the key performance indicators and metrics so that they remain fit for purpose with any shifts in focus.

Financial Implications: The financial implications of the contract extension fall in line with what was agreed as part of the original key decision. The cost to extend and vary the condom programme contract, which has yet to be agreed with the provider, for an additional three years is estimated to be £620k in total, circa £207k per annum, which will be funded from the public health grant. The cost estimate is based on a one-off increase of 2.4% in the fixed annual cost for the three years of the extension and a 10% increase per annum in variable activity costs, which include the contracted rates for the distributed items and their postage as per the original tender, allowing for growth in activity. Condom demand and KCC's priorities for the service may lead to an increase in the amount payable for the extension.

Legal implications: The provision of open access sexual health services is a statutory responsibility for local authorities as per The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) regulations 2013. The condom programme contract is deemed an essential service as it is one of the services KCC commission to achieve this statutory obligation.

The Public Contract Regulations 2015 provided the legal framework by which local authorities were permitted to procure public goods and services at the time of the original contract award. Although the new Procurement Act 2023 (Act) is coming to force October 2024, any contracts awarded under the previous legislation will continue to be managed under that legislation until the contract ceases to exist. Any amendments to the contract will not be subject to the requirements of the new Procurement Act. The recommendation is being made in line with the guidelines of this legislation.

Commercial implications: The contract expressly permits the extension under the relevant clause (3. Contract period and extension).

Equality Implications: An EQIA was completed when the contract was originally procured in 2018. This contract extension and variation will not change the way service users' access, interact with, or experience the service, therefore there are no associated equality implications.

As has been the case throughout the contractual period, all service changes will be continually reviewed and the EQIA will be updated should it be necessary.

Comments received from any Members or Officers consulted:

Wendy Jeffreys and Professor Durka Dougall, Consultants in Public Health, have recommended that the contract with Metro is extended and the variation is aligned with the PHST.

Vicky Tovey, Assistant Director of Integrated Commissioning, supports the decision to use the provisions for extension.

Public Health Service Transformation (PHST) Programme Steering Group has agreed with the decision, granted that cost efficiency is considered in alignment with the PHST.

Matthew Wellard, Commercial and Procurement Manager, supports the decision and agrees it is permitted under the existing contract.

Jane Blenkinsop, Public Health Finance Business Partner, supports the decision to extend and vary the contract subject to successful negotiations with the provider to ensure the contract remains affordable.

Any alternatives considered and rejected:

1. Decommission the service and no longer provide the condom programme: Rejected on the grounds that the decision may disadvantage some young people from accessing condoms and there may be a risk of other commissioned services, such as integrated sexual health

clinics, being overwhelmed by increased demand.

2. Re-procure the condom programme: Rejected as felt that the current contract is fit for purpose and re-procuring at this time would disrupt the target audience currently accessing the programme, strain the commissioning capacity disproportionately and risk losing opportunities to implement learning from the PHST programme outcomes and as such result in fragmentation of the sexual health system.

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

None.



signed

21 June 2024

Date