

KENT COUNTY COUNCIL – RECORD OF OFFICER DECISION

DECISION TAKEN BY:

Dr Anjan Ghosh, Director of Public Health

DECISION NO:

OD.24.00012

For publication

Subject matter: Long-Acting Reversible Contraception in Primary Care

Cabinet Member decision to which this action relates:

Key Decision 23/00062

[23/00062 - Long-Acting Reversible Contraception in Primary Care](#)

Decision:

As Director of Public Health, I agree to:

- extend the existing contracts for the Supply of Long-Acting Reversible Contraception (LARC) for 12 months, until the 30 November 2025. The estimated spend for the one-year period on this activity-based service will be in the region of £1,480,000, with a total estimated spend for the full three years of the contract (including extensions) being just over £4m.
- maintain the ongoing Dynamic Purchasing System opportunity for the *Supply of Long-Acting Reversible Contraception (LARC) in Primary Care* contract for another year in order to contract with additional providers who engage with the DPS and successfully pass the required criteria.

Reason(s) for decision:

The Record of Decision 23/00062 delegated authority to the Director of Public Health award new contracts and take relevant action, including, but not limited to, finalising the terms, entering contract and other legal requirements, as necessary to implement the decision. This Officer decision confirms extending of the existing contracts to 104 Primary Care providers for the Supply of Long-Acting Reversible Contraception (LARC) and continuing to contract with additional providers who engage with the ongoing Dynamic Purchasing System opportunity and successfully pass the required criteria.

Financial Implications:

The contract operates on an activity-based model, where the total cost is contingent upon the number of procedures that are carried out. The estimated spend for the one-year period on this activity-based service will be in the region of £1,480,000, and the total value of these contracts is expected to be in the region of £4,335,000 including activity and reimbursement of devices until 30th November 2026. No tariff uplifts have been included in the budget, however there may be increase in demand.

Legal implications:

LARC services were awarded to primary care providers via a light-touch Public Contract Regulation 2015 procurement compliant process for up to the period of one year (1 December 2023 to 30 November 2024) with options for two additional 12-month extensions (up until 30 November 2026). Following the introduction of The Health Care Services (Provider Selection Regime) Regulations 2023 which replaced the Public Contract Regulations for the provision of healthcare services only, any modification or extension to the contract would be managed under the Provider Selection Regime Existing providers will be awarded a 12-month extension from 1 December 2024 to 30

November 2025. Additional providers continue to be accepted via a DPS with contractual terms that align to the dates of the existing contracts.

Equality Implications: An Equalities Impact Assessment for continuing delivery of LARC in primary care was completed during the re-procurement process via the DPS, which has been successful in maintaining service continuity and the number of providers in a steady level. As there are no changes to the service model, Equality implications for any specific protected groups do not arise from the contract extensions.

Data Protection Implications: A Data Protection Impact Assessment (DPIA) has been completed. The assessment notes robust Data protection measures are in place, but the Data Protection Annex 1 to Schedule 16 of the Contract requires significant updates. An updated Annex will be issued with the contract extension change notice, and the DPIA will be sent for the providers records.

Comments received from any Members or Officers consulted:

Matt Wellard, Commercial and Procurement Manager stated:

The existing contract awarded under a DPS, would constitute as a Direct Award B Procurement under PSR. The extension is clearly and unambiguously provided for within the contract and therefore is permissible under PSR. Following approval of the extension, the Commercial and Procurement division will submit a notice of the modification as required under Regulation 13(5) within 30 days of it being enacted.

The following Officers have been consulted with no additional comments.

Jane Blenkinsop, Finance Business Manager

Victoria Tovey, Assistant Director of Integrated Commissioning

Durka Dougall, Consultant in Public Health

Cabinet Member for Adult Social Care and Public Health:

I endorse the decision to extend Primary Care LARC contract, in order to improve contraception rates for the Kent population

Any alternatives considered and rejected:

Not extending contracts would disrupt continuity of care and limit patient choice. Without primary care offering LARC services, there would likely be a decrease in uptake of LARC, leading to more unintended pregnancies and terminations. Integrated sexual health services may struggle to handle the increased workload, resulting in longer wait times and limited availability.

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



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signed

30 October 2024

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date