

**Meeting:** Cabinet                      **Date:** 25 April 2024

**Wards affected:** All

**Report Title:** Commissioning of integrated sexual and reproductive health services

**When does the decision need to be implemented?** 15 February 2024

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## 1. Purpose of Report

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- 1.1 The proposal is to re procure Integrated Sexual and Reproductive Health services in Torbay. The current contract expires on 30<sup>th</sup> June 2025, and hence it is a requirement that a new contract commences from 1<sup>st</sup> July 2025 due to the following two conditions:
1. Open access sexual and reproductive health services are a mandated function of the public health ring-fenced grant.
  2. Current procurement legislation requires that this contract be subject to a legally compliant procurement process.
- 1.2 Currently services are co-commissioned with Devon County Council, and the intention is to continue this approach. There is not expected to be any additional budget requirements from the current financial envelope. All funding is contained and resourced via the ring-fenced Public Health grant and therefore does not directly affect the wider Authority revenue grant.
- 1.3 The decision required is two-fold:
- That the Director for Public Health has delegated authority to award the contract the selected provider as a result of a compliant procurement process.

- That this decision will be on the basis that through the procurement procedure none of the specification, the budget nor the procurement processes proposed are materially different from what is outlined in this report. If any of these do change materially, an updated report will be submitted for reconsideration before the Director for Public Health awards the contract.

## 2. Reason for Proposal and its benefits

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- 2.1 The proposals in this report help us to deliver local ambitions for Torbay by working to enable all residents to have good access to high quality preventative, place based, clinical and digital sexual and reproductive health services.
- 2.2 This proposal supports increased self-management of contraception, testing, and treatment. This approach, combined with clinical services in specialist and community settings will support residents of Torbay to have improved choices and outcomes.
- 2.2 By improving access to routine and specialist contraceptive care, STI (Sexually Transmitted Infections) testing and prevention interventions, services can address persistent sexual and reproductive health inequalities in Torbay. Improved access empowers and supports families and individuals to prevent unintended conceptions, transmission of infections and take control of their health and wellbeing.
- 2.3 By jointly working with Devon County Council, the economies of scale, standards of delivery and range of services able to be delivered at scale make the service more economically viable and sustainable.
- 2.4 The proposed approach will address improvements in the delivery of services to all residents, but with regard to the following themes:
  - Community and People
  - Pride in Place
  - Economic Growth
- 2.5 Improving sexual and reproductive health improves outcomes for communities and people, does in turn ensure that planning for place (such as housing and population predictions) and economic growth and skills are also positively impacted.

2.6 The reasons for the decision are that by delegating authority to award the contract to the Director of Public Health, this will facilitate a timely and efficient joint procurement process. The award will only be made on the provision that through the procurement procedure none of the specification, the budget nor the procurement processes proposed are materially different from what is outlined in this report. If any of these do change materially, an updated report will be submitted for reconsideration before the Director for Public Health awards the contract.

### 3. Recommendation(s) / Proposed Decision

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3.1 That, subject to none of the specification, the budget nor the procurement processes proposed being materially different from what is outlined in the submitted report, the Director for Public Health be given delegated authority to award the contract for integrated sexual and reproductive health services to the successful provider, upon conclusion of the procurement process and in consultation with the Cabinet Member for Adult and Community Services, Public Health and Inequalities.

## Appendices

**Appendix 1:** Consultation summary 2024

## Background Documents

Sexual Health Needs Assessment 2022: [Sexual and Reproductive Health Needs Assessment - Torbay Council](#)

[Market Engagement Event - CP2395-23 – Sexual Health & Reproductive Health Service](#)

# Supporting Information

## 1. Introduction

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- 1.1 Sexual and reproductive health services are currently provided by a range of providers, including NHS (National Health Service) Trusts and VCSE (Voluntary, Community and Social Enterprise) and independent organisations.
- 1.2 Services provided currently include:
- Open access STI testing and treatment.
  - Specialist and routine contraception
  - Psychosexual counselling
  - Long Acting – Reversible Contraception (LARC) within GP (General Practice) settings
  - EHC (Emergency Hormonal Contraception) and Chlamydia screening within pharmacy settings
  - Community prevention and workforce training including limited crisis support for people living with HIV (Human Immunodeficiency Virus)
  - Condom distribution for 13–24-year-olds
- 1.3 Changes being proposed do not materially change the types of services being delivered but will seek to organise, deliver, and develop them in new ways to keep pace with changing expectations, and reflect the current and future needs and behaviours of the resident population.
- 1.4 The proposed developments will be addressed within a new specification, but will include:
- A universal digital offer to enable self-care, self-management, and digital prevention.
  - Incorporating existing local authority commissioned sexual health services delivered within general practices and pharmacies.
  - Increasing emphasis on digital access and local place-based delivery to reduce burden on specialist services.
  - Increased clinical leadership and workforce development.
- 1.5 A proposed change is to no longer fund crisis support explicitly for people living with HIV. It has been a contracted expectation within the current contract to no longer continue with this element of service delivery in any future version of these services going forward.
- 1.6 Within the lifetime of the current contract, the Local Authority have been working with the current provider to build strategies to mitigate this. The current provider has been supported

to secure sources of alternative funding and has developed the training offer to the wider health and social care workforce to address stigma and raise awareness of HIV so that service users feel enabled to approach and discuss their HIV status with these services and therefore receive the necessary support without the need for crisis management provision.

- 1.7 Within the new specification, it is anticipated that any new provider will continue to develop networks, pathways, professional development, skills, and standards of care to support people living with HIV and contribute to a reduction in the impact of stigma and discrimination.

## 2. Options under consideration

- 2.1 Options considered are limited given the mandated nature of service provision and available budget.
- 2.2 Three models were considered and after consultation with the public, including groups with poorer sexual health outcomes, other local authorities, the provider market, and national best practice. A subsequent model has been developed and been presented and broadly accepted by the provider market. For further details of this, please see Appendix 1 (summary of consultations and phase 1).

## 3. Financial Opportunities and Implications

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- 3.1 There are no implications upon the revenue budget for Torbay Council. The proposed budget for this service is within the current Public Health Ring Fenced Grant and has been planned for within the existing resource.
- 3.2 The service is being redesigned with a budget for Torbay of £7.202M over 5 years and if over the maximum contract term of 10 years will be £14.404M. This proposal has no annual inflationary or other increases built within the financial model.
- 3.3 This 'flat cash' approach has the potential to limit the scale and scope of possible significant changes over the lifetime of the contract. It has however been tested with the market with no clear and obvious concerns raised by potential bidders and is therefore considered to be adequate to propose to the market.

## 4. Legal Implications

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- 4.1 There are no known legal implications other than a failure to award the contract without due justification which could result in a challenge to the procurement process by the successful bidder.

## 5. Engagement and Consultation

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- 5.1 In Appendix 1, a report details the 'listening phase' across Devon and Torbay. This included eight separate listening, engagement and consultation exercises aimed at understanding the needs and views of the public and targeted groups.
- 5.2 Targeted groups included adults with learning disabilities, vulnerable women, young adults, LGBTQ+ populations and groups, adult women and trans / on binary adults using contraception. Further details are in Appendix 1.
- 5.3 Through the consultation and engagement phase, a significant amount of feedback, insights and ideas were received. The issues matter to residents of Torbay, and we heard that addressing and improving the following areas would support the local population's reproductive and sexual health and wellbeing. Themes emerging from this engagement and consultation were:
- a) Knowledge of sexual and reproductive health
  - b) Knowledge and perception of services
  - c) Inclusivity
  - d) Patient choices
  - e) Workforce
  - f) Booking / getting appointments
  - g) Location and travel
  - h) Opening hours
  - i) Advice and guidance

## 6. Purchasing or Hiring of Goods and/or Services

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- 6.1 The procurement process will be led by Devon County Council. Torbay's Commercial and Procurement team will be directly engaged in the development and sign off of the procurement documents and process used.
- 6.2 The contract falls under the requirements of the Healthcare Services (Provider Selection Regime) Regulations and will be procured in accordance with the requirements of the Regulations.
- 6.3 Social value will be built into the invitation to tender for which the supplier is required to submit proposals on their social value commitments to Torbay.

- 6.4 The tender submission will be assessed by Torbay Council officers and social value will form an essential and proportionate element of the award criteria.
- 6.5 The monitoring of Social Value commitments will be undertaken as part of the central contract monitoring process in Torbay through the Procurement, Contract management and Commissioning team.

## 7. Tackling Climate Change

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- 7.1 Addressing climate change will be addressed within this proposed procurement through the social value framework and bidder submission.
- 7.2 By improving digital and place-based access, it is anticipated that this will have a positive impact in terms of reducing the need to travel as far within Torbay to have some sexual and reproductive health needs met.

## 8. Associated Risks

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- 8.1 Risks of failure to agree to award the contract centre on the significant risk of increased poor sexual and reproductive health outcomes to sexually active populations in Torbay. This includes increases in rates of teenage conceptions, unintended conceptions, and STIs (Sexually Transmitted Infections), including HIV (Human Immunodeficiency Virus) incidence.
- 8.2 There is a risk that Torbay Council comes under significant scrutiny from the Office of Health Improvement and Disparities should the proposal in this paper not be agreed and therefore a mandated public health function is withdrawn with no legitimate or justifiable reasons for doing so.
- 8.3 Finally, there is a risk of legal challenge if the procurement is not concluded effectively, and the potential bidders decide that there are grounds for challenging the decision to not award.

## 9. Equality Impacts - Identify the impacts on different groups

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe
Age	<ul style="list-style-type: none"> <li>• 18 per cent of Torbay residents are under 18 years old.</li> <li>• 55 per cent of Torbay residents are aged between 18 to 64 years old.</li> <li>• 27 per cent of Torbay residents are aged 65 and older.</li> </ul>	<p>The impact of this proposal will support improved access to sexual and reproductive health services to young people aged 13+.</p> <p>Place based and digital services will have an anticipated positive impact on this group.</p>		
Carers	<p>At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.</p>	<p>This proposal has both a positive and negative impact on carers.</p> <p>In terms of a positive benefit, improved access and engagement will improve services and outcomes for residents.</p> <p>Not continuing to provide crisis support for people living with HIV will likely have a negative impact in terms of access to carers of people living with HIV from a specialist organisation able to advocate and address issues specific to HIV,</p>	<p>Within the lifetime of the current contract, the Local Authority have been working with the current provider to anticipate and actively mitigate this. The provider has been supported to seek alternative funding and has developed the training offer to the wider health and social</p>	

		<p>including stigma associated with HIV status.</p>	<p>care workforce to address stigma and support disclosure. Services for adults, including an advocacy service and a carers service are available through services commissioned Adult Social Care. These services are open to all adults, including those living with HIV. Adult Social Care representatives and for a are being approached to embed HIV awareness.</p>	
<p>Disability</p>	<p>In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.</p>	<p>This proposal has both a positive and negative impact on people with a disability. In terms of a positive benefit, improved access and engagement will improve services and outcomes for residents.</p> <p>Not continuing to provide crisis support for people living with HIV will likely have a negative impact in terms of access to a specialist organisation able to advocate and address issues specific to HIV, including stigma associated with HIV status.</p>	<p>Within the lifetime of the current contract, the Local Authority have been working with the current provider to anticipate and actively mitigate this. The provider has been supported to seek alternative funding and has developed the training offer to the wider health and social care workforce to address stigma and support disclosure.</p>	

			<p>Services for adults, including an advocacy service are available through services commissioned Adult Social Care. These services are open to all adults, including those living with HIV. Adult Social Care representatives and for a are being approached to embed HIV awareness.</p>	
Gender reassignment	<p>In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.</p>	<p>The impact of this proposal will support improved access to sexual and reproductive health services to Trans, non-binary and populations undergoing gender reassignment. Place based and digital services, as well as community engagement will have an anticipated positive impact on this group.</p>		
Marriage and civil partnership	<p>Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.</p>	<p>The proposals neither have a specific positive or negative impact based on this characteristic</p>		
Pregnancy and maternity	<p>Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000)</p>	<p>The impact of this proposal will improve access to contraception and STI testing services for females and other residents assigned female at birth.</p>		

	<p>than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.</p>	<p>1/3 of births are unplanned or ambivalent nationally, and Torbay has historically high rates of termination across all ages as well as persistently high teenage conception rates.</p> <p>By improving community place based and digital services available, it is anticipated that this will directly contribute to improved maternity and pregnancy outcomes.</p>		
Race	<p>In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.</p>	<p>The impact of this proposal will support improved access to sexual and reproductive health services to minority ethnic groups in Torbay, particularly those at increased risk of poorer sexual health outcomes.</p> <p>Place based and digital services, as well as community engagement will have an anticipated positive impact on this group.</p>		
Religion and belief	<p>64.8% of Torbay residents who stated that they have a religion in the 2021 census.</p>	<p>The proposals neither have a specific positive or negative impact based on this characteristic</p>		
Sex	<p>51.3% of Torbay's population are female and 48.7% are male</p>	<p>The proposals neither have a specific positive or negative impact based on this characteristic</p>		
Sexual orientation	<p>In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to</p>	<p>The impact of this proposal will support improved access to sexual and reproductive health services to all groups, particularly Gay and bisexual men who have sex with men and other groups in Torbay, particularly those at</p>		

	describe their sexual orientation.	increased risk of poorer sexual health outcomes.  Place based and digital services, as well as community engagement will have an anticipated positive impact on this group.		
Veterans	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously serviced in the UK armed forces.	The proposals neither have a specific positive or negative impact based on this characteristic		
<b>Additional considerations</b>				
Socio-economic impacts (Including impacts on child poverty and deprivation)		By supporting timely and accessible contraception services, it is anticipated that this will enable and empower individuals and families to plan conception and family sizes.  Improved access to STI testing and condoms will also directly support residents living with increased risks of poorer sexual health outcomes in Torbay.  Place based and digital services, as well as community engagement will have an anticipated positive impact on this group.		
Public Health impacts (Including impacts on		Provision of integrated sexual and reproductive health services has a		

<p>the general health of the population of Torbay)</p>		<p>positive impact on the health and wellbeing of all residents.</p> <p>By reducing the community burden of sexually transmitted infections and unintended conceptions, a broad range of health and social outcomes are directly improved and maintained.</p> <p>Provision of integrated sexual and reproductive health services also ensures that where there may be infections or contraceptive need, these needs can be met in a confidential and timely manner by clinical and community-based professionals.</p>		
<p>Human Rights impacts</p>		<p>Sexual and reproductive rights are a key part of a human rights framework, including the right to life, to be free from torture, the right to health, right to privacy, education, and prohibition of discrimination.</p>		

## 10. Cumulative Council Impact

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10.1 None

## 11. Cumulative Community Impacts

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- 11.1 Potential fragmentation of other health service provision where there may be interdependencies on this contract. For example, where staff are working across multiple contracts and are subject to TUPE conditions. If the incumbent provider is unsuccessful or does not bid, this may have an impact on services such as HIV clinical treatment and care. This has been mitigated in part by engaging with NHS Devon ICB and NHS England partners.
- 11.2 The proposed model will include Primary Care services currently delivered by GPs and pharmacies. This will result in those health providers becoming sub-commissioned partners, which may result in amendments or adaptations to service provision and or contractual terms that they are required to abide by.