

**WAIVER FORM**

<b>PROJECT / CONTRACT TITLE</b>	0-19 Healthy Child Programme contracts
<b>PROJECT / CONTRACT REFERENCE NUMBER</b>	
<b>DESCRIPTION OF CONTRACT (GOODS / SERVICES PROVIDED)</b>	<p>The Healthy Child Programme (HCP) is a universal programme mandated under the Health and Social Care Act (2012) available to all children to lay the foundations of a healthy life. The HCP is subject to a National Specification with a large element of the delivery that includes 5 health reviews, beginning pre-birth, and the delivery of the National Child Measurement Programme (NCMP) all of which are mandated by law. The provision of the HCP is through two parallel contracts: the 0-19 (25) Healthy Child Programme and School Health Support Services. In addition, the contract also contains Early Years and Well Bring 0-5 Children' Centres contract</p>
<b>SUPPLIER (where relevant)</b>	<p>Birmingham Community NHS Foundation Trust (BCHT) who provides both the Early Years Health and Well Being and 5-19 School Health Support Service.</p> <p>Sandwell and West Birmingham NHS Trust and University Hospital Birmingham provides Vision Screening.</p>
<b>CONTRACT PERIOD</b>	30 Months (September 2024 to February 2027)
<b>VALUE (£/p)</b>	No more than 50 % of the present contract value (please note Appendix One)
<b>FUNDING SOURCE</b>	Public Health grant
<b>DIRECTORATE</b>	Strategy Equality and Partnership
<b>SERVICE AREA</b>	Public Health

SERVICE LEAD	Joann Bradley	
DIRECTOR/ ASSITANT DIRECTOR	Dr Marion Gibbon	
HEAD OF SERVICE		
Please indicate the justification for a Waiver to the Procurement and Contract Rules		
i. Efficiency / expediency in relation to process:	Following the Rules in whole or part would not add value to the intended outcomes and would significantly impact the delivery of the Council Plan and priority outcomes. A Waiver would not compromise transparency and accountability.	√
ii. Increased cost / loss of income:	Following the Rules in whole or part would likely result in increased costs or loss of opportunity.	
iii. Time constraints beyond the control of the Council:	Following the Rules in whole or part would create unreasonable time pressures to deliver outcomes required. In such cases this must not be through poor planning or lack of action by the Council to have created the time constraint.	
iv. Avoidance of reputational damage:	Failure to act promptly would have a serious, damaging and long-term impact on the reputation of the Council, that from a time perspective the Council cannot afford to be mitigated through a formal tendering process.	
v. Request for noting for transparency as a formal Breach of the Rules:	Noting outcome of formal Breach investigation and seeking to note in line with Waiver Approval procedure.	

<p><b>Please provide details on reasons for applying for a Waiver</b></p> <p>Permission is sought to extend the contracts for the following reasons:</p> <p>To enable a strategic approach to a significant system transformation, to better support our babies, children, young people and their families by aligning all inter-linked contracts and allow for the Family Hubs Programme to become part of the ongoing commissioning of services. This will enable an integrated approach to commissioning the services and allow for long-term sustainability.</p> <p>In addition, the extension will allow for consolidation of improvements in service provision and afford the Council and its partners time to consider and evaluate the implications of bringing together these services in light of the following:</p> <ul style="list-style-type: none"> <li>• CQC (Care Quality Commission) inspection feedback on 5-19yrs service transformation</li> <li>• Improvement journey for 0-5yrs service progress</li> <li>• Transformation of youth services Family Hubs future plans &amp; Early Intervention and Prevention development</li> <li>• Soft market exploration feedback</li> <li>• The establishment of an integrated commissioning unit between BCC (Birmingham City Council) and the ICB.</li> </ul>
<p><b>If related to a breach please state circumstances around why this occurred</b></p>
<p>N/A</p>
<p><b>Which part(s) of the Procurement and Contract Governance Rules are being sought to be waived?</b></p>
<p>For the 0-5 Early years health &amp; wellbeing contract, and the 5-19 School services contract we are seeking approval to extend the current contracts under application of regulation 72 under the public contract regulations. We do not meet the criteria in the councils governance rules set out in 4.36 (i) as the contracts have no further existing provision for extension, so we are seeking to waiver this requirement</p> <p>The vision screening contracts with Sandwell and West Birmingham NHS Trust &amp; University Hospital Birmingham will be extended under the light touch regime of the public contract regulations 2015 as the extension values will be well within the Light touch regime thresholds, and there is provision within the contracts for further extension.</p>

As all these contracts together form the provision of the 0-19 services and need to be co-terminus, we have therefore included all contracts within this Waiver document. This then allows the total value of the required contract extensions to be approved.
<b>What implications, risk(s) or consequences would apply if a Waiver is not approved?</b>
<p>The ability to respond to a changing policy environment will be lost and could limit the future performance of the services.</p> <p>The same service model would be re- commissioned, which would be a lost opportunity to introduce a new model of delivery that could potentially improve the outcomes for children and young people and could mean efficiency savings to the council in the longer term.</p>
<b>What longer terms plans are in place to ensure compliant contractual arrangements will be established prior to the end of the contract awarded under Waiver?</b>
<p>The extra 30 months will allow officers to consider the following:</p> <ul style="list-style-type: none"> <li>• Re-alignment of contracts within this programme, and the wider environs for example the Family Hubs Programme which will end in 2025 officers need to determine what impact the latter programme will have will on determining the future of 0 to 19 services. Children Centres.</li> <li>• The formation of the Integrated Commission Unit between the Children's Directorate of BCC and the ICB.</li> <li>• The transformation of the youth service will provide an option to have synergy between other contracts in the 0-19 programme and has the potential to enable a different delivery mechanism. This will ensure that the services have the reach, impact and outcomes that is needed to improve the lives of children and young people in Birmingham</li> <li>• Too often we commission services that tackle a problem/s, having a different commissioning model that has early intervention and prevention as its ethos, the hope is that we are investing less downstream.</li> <li>• As the council develops youth commissioners the young people of Birmingham will have the opportunity to have an input into what is commissioned.</li> <li>• Open book accounting reflections will be explored during this period to inform the new contract post September 2027.</li> <li>• Inflationary pressures and significant challenges such as workforce pressures could further limit a very limited provider market.</li> </ul>
<b>Other Comments</b>


**DECLARATIONS**

I (the undersigned) declare that I have no conflicts of interest which would otherwise prevent my signature to this Waiver.

**Directorate Service Lead****Date****Corporate Procurement Comments**

Given the value of this waiver (see Appendix One below), this needs to form part of a report to Cabinet

**Name / Title****Date**

<b>AUTHORISATIONS</b>			
<b>Over £5,000 up to £100,000</b>	Comment (if required)	Signature	Date
Assistant Director or Head of Service (in line with the Scheme of Delegations)			
Relevant Head of Category (Corporate Procurement Service)	To be appended to a full Cabinet report given the values involved		11/1/2023

<b>Over £100,000 to £200,000</b>	Comment (if required)	Signature	Date
Assistant Director (Directorate)			
Assistant Director (Procurement)			

<b>Over £200,000 to £500k (revenue) or to £1million (capital)**</b>	Comment (if required)	Signature	Date
Director (Directorate)			
Directorate Cabinet Member(s)			
Assistant Director (Procurement)			
Strategic Director of Council Management			
Cabinet Member – Finance and Resources			

**\*\* Above these levels and/ or Key Decision and/ or where deemed required by the Cabinet Member formal sign off is required at Cabinet.**

**Please ensure that a copy of the signed form is circulated to [DPR@birmingham.gov.uk](mailto:DPR@birmingham.gov.uk) for recording and reporting**

## Appendix One

Table 1: Total Contract values and values of extensions

<b>Service</b>	<b>Contract Value</b>	<b>Extension Value</b>
<b>0-5 Early Years Health and Wellbeing</b>	<b>233,333,333</b>	<b>83,749,999.70</b>
<b>School Nursing</b>	<b>14,200,000</b>	<b>7,100,000</b>
<b>Vision Screening</b>	<b>396,074</b>	<b>360,780</b>
<b>Total</b>	<b>247,929,407</b>	<b>91,210,779.70</b>