

**Open Report on behalf of Glen Garrod,  
Executive Director for Adult Care and Community Wellbeing**

Report to:	<b>Executive Councillor for Adult Care, Health and Children's Services</b>
Date:	<b>Between 13 – 17 April 2018</b>
Subject:	<b>NHS Health Checks Re-Procurement</b>
Decision Reference:	<b>I015439</b>
Key decision?	<b>Yes</b>

**Summary:**

The NHS Health Checks Programme was procured in 2014 using an Open Select List restricted to GP Practices within Lincolnshire. Each GP Practice on the list has an individual contract with the County Council. The contracts come to an end on 31 July 2018, subject to four month contract extensions being approved by Glen Garrod, the Executive Director for Adult Care and Community Wellbeing.

Given the statutory obligation on the Council to provide the programme, the Council intends to re-commission the NHS Health Checks Programme and in doing so, advertise the opportunity to the wider market.

This report gives an update on the proposed re-commissioning and seeks approval to proceed with the re-procurement.

**Recommendation(s):**

That the Executive Councillor for Adult Care, Health and Children's Services:

1. Approves the re-commissioning of NHS Health Check Programme with new contracts to take effect from 1 August 2018.
2. Approves that a procurement exercise be undertaken to establish an Open Select List of providers to deliver NHS Health Checks according to the GP Practice Code Areas.
3. Delegates to the Director of Public Health, in consultation with the Executive Councillor for Adult Care, Health and Children's Services, the authority to determine the final form of the procurement, including the details of the contract, approval of the award and any other legal documentation necessary to give effect to the decision.

**Alternatives Considered:**

1. Do nothing.

This is not a viable option due to the obligation on Lincolnshire County Council to provide the NHS Health Checks pursuant to Section 12 Health and Social Care Act 2012.

**Reasons for Recommendation:**

This paper recommends that the NHS Health Check Programme be re-commissioned on the basis that:

- the provision of NHS Health Checks is a statutory duty and therefore the alternative option to not re-commission is not available to the Council; and
- the value of the Programme means that it is subject to the Public Contracts Regulations.

The recommendation to establish an Open Select List of Providers allows the Programme the flexibility it may require in the event that a Provider serves notice and the eligible population have to be re-allocated to an alternative Provider. This flexibility is particularly desirable in the current climate where there are increasing numbers of mergers between GP practices and increased use of Federations.

**Background****1. Current Service****1.1. Service Description**

The NHS Health Checks Programme is a preventative health service aiming to reduce incidences of vascular disease and premature mortality/morbidity. It offers preventative checks to people aged 40-74 years to assess their risk of vascular disease (heart disease, stroke, diabetes and kidney disease) followed by appropriate management and intervention. The Programme runs on a five year cycle with each member of the eligible population being invited for a Health Check once every five years.

**1.2. Service Delivery**

The Programme was procured in 2014 using an Open Select List restricted to GP Practices within Lincolnshire. Each GP Practice on the List has an individual contract with the County Council.

91 out of the 93 GP practices within Lincolnshire provide the Programme. The eligible population registered with one of the practices that has opted

out of delivering NHS Health Checks has been reallocated to a neighbouring Practice on the List. The eligible population of the other practice are not currently receiving NHS Health Checks and the re-procurement will address and resolve this situation.

### **1.3. Current Performance**

#### **1.3.1. Performance Targets for Invitation and Attendance**

Regulation 4(3) of Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013 prescribes a 100% invitation target, whereby each member of the eligible population must be invited for a Health Check Assessment within each relevant 5 year period.

Whilst attendance rate targets are not similarly specified, there is an obligation on Local Authorities to have a view to securing continuous performance. To encourage improvement under the current contract, the County Council has applied tiered bonus payments for attendance rates of 60%, 65% and 70%.

#### **1.3.2 Current Performance**

The tables below demonstrate that Lincolnshire is performing very well when benchmarked against England and the East Midlands and is on track to meet the 100% invitation target by the end of the contract term.

**Table 1: 2013-2018 (5 year cumulative)**

	<b>England</b>	<b>East Midlands</b>	<b>Lincolnshire</b>
Offered NHS Health Check % (Invited)	82.5	78.0	96.9
Received NHS Health Check % (Uptake)	48.4	54.7	60.0

Data source:

[www.healthcheck.nhs.uk/commissioners\\_and\\_providers/data](http://www.healthcheck.nhs.uk/commissioners_and_providers/data)

**Table 2: Numbers of patients invited and assessed across Lincolnshire 2013-2018**

**2013-2018 (5 year cumulative)**

Total eligible population 2013-2018	207739
Number of people who were offered a NHS Health Check	201338 (96.9%)
Number of people that received a NHS Health Check	120837 (58.2%)
Percentage of people that received an NHS Health Check of those offered	60%

Data source:

[http://www.healthcheck.nhs.uk/commissioners\\_and\\_providers/data/](http://www.healthcheck.nhs.uk/commissioners_and_providers/data/)

**Table 3: 2016/17 (Annual data)**

	<b>England</b>	<b>East Midlands</b>	<b>Lincolnshire</b>
Offered NHS Health Check % (Invited)	17.0	15.5	18.5
Received NHS Health Check % (Uptake)	49.9	58.1	67.9

Data source:

[www.healthcheck.nhs.uk/commissioners\\_and\\_providers/data](http://www.healthcheck.nhs.uk/commissioners_and_providers/data/)

38% of GP Practices received bonus payments in 2016/17, broken down as:

- 60% Target Payment: 5 Practices (6%)
- 65% Target Payment: 7 Practices (8%)
- 70% Target Payment: 23 Practices (26%).

The use of bonus payments for achieving targets and other quality improvement actions have contributed to incremental improvements in performance over the life of the programme. The result of this quality improvement programme is that Lincolnshire County Council is in the top 10% best performing Councils in the country for Health Checks (15/152).

## **2. Statutory Duty to Deliver the Service**

Lincolnshire County Council is under a statutory duty to deliver the NHS Health Checks pursuant to Section 12 Health and Social Care Act 2012. However, the delivery requirements are set out in Regulations 4 and 5 of Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013, including:

- Specifying who is eligible for a Health Check (Regulations 4(2) and 4(5))
- The 100% invitation target (Regulation 4(3))
- The specified five year programme cycle (Regulation 4(4))
- The obligation to secure continuous improvement (Regulation 4(6))
- Minimum data set to be collected (Regulation 5(3))

## **3. Proposed Re-Commissioning**

### **3.1. Contract Commencement and Duration**

The current service contracts expire on 31 March 2018 with no option to further extend. In accordance with the County Council's continuing statutory duty to deliver the NHS Health Check Programme, it is proposed the County Council re-commission the Programme and in order to maintain the 5 year programme cycle, the new contracts will need to cover the 5 year period 2018 - 2023.

The new contracts will incorporate sufficient break provisions to enable the further review of the scope of services in the event that an opportunity arises to align the NHS Health Check contracts with other health prevention services during the 5 year period of 2018 – 2023.

### **3.2 Contract Scope**

The Specification is largely prescribed by statute and national guidance and therefore will not materially change.

### **3.3 Budget and Payment Structure**

The annual budget for the NHS Health Checks programme is currently £638,528. It is proposed that the budget remain the same, therefore the value of the 5 year contract will be £3,417,640. This will come out of the dedicated Public Health Grant. The payment and performance structure will largely remain the same although engagement with providers is ongoing.

### **3.4 Contract Structure**

It is proposed that the County Council procure the Programme via an Open Select List and individual contracts with the successful providers. This structure would allow flexibility in the event that a provider served

notice and an eligible population needed to be reallocated to an alternative provider.

The tender opportunity will be open to all interested providers and not restricted to just GP Practices as previously. However, the ability to access patient information and the requisite software makes it likely that applications will be limited to Health and Social Care Information Centre (HSCIC) accredited bodies such as GPs, pharmacies and Health Trusts or other providers who have separately negotiated information sharing agreements with GP practices.

## **4. Legal Issues**

### **4.1 Equality Act 2010**

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- \* Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- \* Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- \* Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- \* Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- \* Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- \* Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

The current eligibility criteria is for an NHS Health Check under the Programme to be resident within Lincolnshire, aged between 40-74 years and not already receiving treatment for cardio vascular disease (CVD) or on a CVD high risk register.

The Impact Assessment for the new contract to be effective from 1 August 2018 is attached at Appendix A. The Assessment concludes that there will be no adverse impact on individuals with protected characteristics as a result of the re-procurement.

The contract that will be entered into will also contain clauses requiring the contractor to comply with the Equality Act.

#### **4.2 Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)**

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

Promoting healthier lifestyles and improving the health and wellbeing of older people in Lincolnshire, are two of the five themes from the JHWS and the NHS Health Check Programme directly supports these themes.

In 2016/17 42,000 people were invited to attend for their health check, 68%, over 28,000, took up that offer of an assessment. The invitation is targeted at those people at highest risk, intervening to reduce their risk of developing cardio vascular disease in the future, through education and lifestyle services support, and capturing those with underlying disease who would otherwise be unaware of it until they began to feel ill.

- One in every 56 people found with undiagnosed hypertension
- One in every 131 people found with undiagnosed diabetes
- One in every 12 people found to be at high risk of cardio vascular disease
- One in every 10 people were offered a statin

### **4.3 Crime and Disorder**

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

Alcohol misuse is explored with patients as part of an NHS Health Check and therefore the Programme contributes to a reduction of misuse and subsequent anti-social behaviour.

#### **Legal Comments:**

The Council has a statutory duty to provide the services referred to in the Report and power to deliver the services through the contract proposed.

The recommendation is compliant with the Council's obligations under procurement law.

The decision is consistent with the Policy Framework and within the remit of the Executive Councillor.

#### **Resource Comments:**

Finance can confirm there is a budget in 18/19 of £683,528 for Health Checks within the Public Health directorate.

#### **Consultation**

##### **a) Has Local Member Been Consulted?**

N/A

##### **b) Has Executive Councillor Been Consulted?**

Yes



**c) Scrutiny Comments**

This report will be considered by the Adult Care and Community Wellbeing Scrutiny Committee on 11 April 2018 and the Committee's comments will be passed on to the Executive Councillor, Adult Care, Health and Children's Services.

**d) Have Risks and Impact Analysis been carried out?**

Yes

**e) Risks and Impact Analysis**

See Appendix A.

**4. Appendices**

These are listed below and attached at the end of the report

Appendix A – The Equality Impact Assessment

**5. Background Papers**

No Background Papers were used in the preparation of this Report.

This report was written by Philip Garner, Health Improvement Project Manager and Carl Miller, Commercial and Procurement Manager, who can be contacted on 01522 552292 and 01522 553673 respectively.