

CABINET MEMBER FOR PUBLIC HEALTH & THE VOLUNTARY SECTOR - 27 NOVEMBER 2013

PROVISION OF SEXUAL HEALTH SERVICES

Report by the Director of Public Health

Introduction

1. The Health and Social Care Act 2012 (Statutory Instrument 2013 no.351) specifies that the local authority shall provide or shall make arrangements to secure the provision of, open access sexual health services in its area. In April 2013 Oxfordshire County Council became responsible for Sexual Health Services following the transition of Public Health to local authority.
2. Sexual health is an important and wide-ranging area of public health. Most of the adult population of England are sexually active, and having the correct sexual health interventions and services can have a positive effect on both individuals' and population health and wellbeing.
3. The Public Health White Paper *Healthy Lives, Healthy People: Our Strategy for Public Health in England*¹ highlights a commitment to work towards an integrated model of service delivery to allow easy access to confidential, non-judgemental sexual health services. These include sexually transmitted infections, contraception, health promotion and disease prevention).
4. The current commissioning arrangements for sexually transmitted infections and contraception in Oxfordshire were put in place by the NHS and the contracts with current providers of these services cease on 31 March 2014.
5. Oxfordshire County Council currently has no in-house provision of sexual health services. In order to guarantee continuation of open access sexual health services in Oxfordshire. Oxfordshire County Council will need to put in place contract(s) to commence 1 April 2014.
6. Oxfordshire County Council procurement process would be followed to commission these services.

Exempt Information

7. Annex 1 provides additional information on the proposed service model if a commissioning decision is made. This is commercial and sensitive as it

¹ Department of Health (2010). *Healthy Lives, Healthy People: Our Strategy for Public Health in England* (http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_121941)

contains information that would give potential providers advance knowledge of decisions which should only be released through the formal procurement route.

Legal Implications

8. The Council has a statutory obligation to “take such steps as it considers appropriate for improving the health of the people in its area” (s2B National Health Service Act 2006 (“NHS Act 2006”) as amended by s12 Health and Social Care Act 2012). This includes “providing services or facilities for the prevention, diagnosis or treatment of illness” (s 2B (3) (c) NHS Act 2006). Regulation 6 of the Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013/351 further imposes a mandatory obligation on the Council to “provide, or make arrangements to secure the provision of, open access sexual health services in its area”.
9. The Council therefore has a mandatory duty to provide sexual health services and the procurement of a service provider to provide such services would fulfil this duty. Any procurement process must comply with relevant procurement legislation on competitive tendering for public contracts. There are no other legal implications relevant to the attached report.

Financial and Staff Implications

10. Public Health has a ring fenced budget which is approximately £25 million per year.
11. Money is already committed to paying for sexual health services within the Public Health budget so this does not represent a new spend. This information is already reported to the Cabinet.
12. Contract arrangements need to be in place for 1 April 2014, as there can be no break in service provision. Potential providers need to be aware of the award in early December as communicated in the procurement documentation. This will ensure that there is sufficient time to implement arrangements.

RECOMMENDATION

13. **The Cabinet member for Public Health & the Voluntary Sector is RECOMMENDED to approve the commissioning of sexual health services in Oxfordshire by the Public Health Directorate in order to secure provision as mandated by the Health and Social Care Act.**

Dr Jonathan McWilliam
Director of Public Health

Background papers: None

Contact Officer: Donna Husband, Public Health, Health Improvement Principal
Tel: (01865) 328667

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