

OFFICER DECISION RECORD 1 FORM

This form should be used to record Officer Decisions in Excess of £100k (but below the key decision threshold), or where required by Financial, Contract or other Procedure Rules or following formal delegation from Cabinet or a Cabinet Member or a Council Committee.

Decision Reference No: 2024/46/PH/AFCuplifts2024/2025

BOX 1

DIRECTORATE: Chief Executives: DATE: 18/09/2024

Public Health

**Contact Name: Saima Nazir-
Desforges**

Tel. No.: 01302 737718

Subject Matter: Provision of AfC uplifts for 2024/25 to public health contracts for 0-5years, 5-19years and Adult Sexual Health services as allocated through Public Health ring fenced grant.

BOX 2**DECISION TAKEN**

To provide a 4.1% uplift to 0-5yrs Public Health service, 5-19yrs Public Health Service and Adult Sexual Health Services, for the year 2024/25.

BOX 3**REASON FOR THE DECISION**

In 2023/24, amounts for AfC uplifts (4.1%) went directly to NHS Trusts from the ICB, however this year's contracting guidance states that the 2024 to 2025 Public Health ring fenced grant allocations for Local Authority Public Health teams include funding for the recurrent impact of the 2023/24 pay award.

[Revenue finance and contracting guidance for 2024/25 \(england.nhs.uk\)](https://www.england.nhs.uk/revenue-finance-and-contracting-guidance-for-2024-25/) [Point 176]

In Doncaster, 0-5 and 5-19 public health services are provided by Rotherham, Doncaster and South Humber NHS Foundation Trust (RDaSH) and the provider for Adult Sexual Health services is Solutions for Health Ltd, a non NHS provider, but has staff with NHS AfC T&Cs. The values of a 4.1% uplift to each of the services is outlined below:

0-5 services: current contract value= £ 6,495,860. 4.1% uplift= £266,330.

5-19 services: current contract value= £2,025,283. 4.1% uplift= £83,040

Adult Sexual Health services: current contract value= £2,245,990. 4.1% uplift= £92,086.

Year on year negotiation and review to be taken based on contracting guidance and the base budget for the services for the term of the contract(s). The intention is for the contracts to be varied (in accordance with the contract provisions) in respect of the AfC uplifts.

BOX 4

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

Not provide the uplift to services – rejected as the monies are available within the PH grant this year

BOX 5

LEGAL IMPLICATIONS

Section 1 of the Localism Act 2011 provides the Council with a general power of competence, allowing the Council to do anything that individuals generally may do.

Section 111 of the Local Government Act 1972 gives the Council the power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

The contract variations must be undertaken in accordance with the Council's Contract Procedure Rules and Health Care Services (Provider Selection Regime) Regulations 2023 (the Regulations).

Regulation 13(1)(c) permits a contract to be modified during its term without following a new procurement process where the modification is made in response to external factors beyond the control of the relevant authority and the provider, and the modification does not render the contract materially different in character.

Legal Services have been consulted and are currently providing documentation relating to the contract modifications.

Name: H.Rusby **Date:** 25.10.2024

Name of Service Director of Legal and Democratic Services (or representative)

BOX 6

FINANCIAL IMPLICATIONS:

Various ODRs (references: 2023/42/PH/PHNursing, 2022/11/PH/5to10service, 2021/24/PH/SexualHealthServ) awarded various contracts to Rotherham Doncaster and South Humber NHS Foundation Trust and Solutions for Health Limited (the “Providers”), to deliver the 0-5, 5-19 and Adult Sexual Health Services (the “Contracts”).

As part of the pay terms and conditions of the Agenda for Change within the NHS, workers on

the NHS Agenda for Change pay scale are entitled to a 4.1% uplift on their salaries for the 2425 Financial Year (the “Uplift”). As the Providers employs NHS workers to deliver the Contracts, these staff are entitled to the Uplift. Historically, other NHS bodies would fund the Uplift, however for the 2425 Financial Year, the Council’s ring-fenced Public Health grant will fund the Uplift.

The recommendation of this report is to approve and supply the Uplift of £441,456 in respect of the Contracts for the remainder of the Contracts’ lifetime on the following terms:

Contract	Core Contract Value	Uplift	New Total
0-5	£6,495,860	£266,330	£6,762,190
5-19	£2,025,283	£83,040	£2,108,323
Sexual Health	£2,245,990	£92,086	£2,338,076
Total	£10,767,133	£441,456	£11,208,589

The budget for the Contracts are included in the Council’s Revenue Budget for 24/25. The cost of the Uplift will be met by the 2425 Public Health Grant allocation.

An ODR under reference 2024/44/PH/VariationPHNandSmokeinPreg has expanded the core contract value of the 0-5 Contract. The additional value of the posts listed in that ODR are not included in this decision, and any uplifts on those additional costs will require a separate request from the Providers.

The Contracts are subject to a quality incentive scheme of various percentages. The Core Contract Value as stated above is inclusive of any quality incentives paid, and therefore the Uplift is inclusive of the quality incentive.

The Contracts and the associated additional expenditure on the Uplift will be financially monitored internally in line with B4-B6 of the Financial Procedure Rules.

NHS Agenda for Change uplifts will not be automatically applied to the Contracts. There is no guarantee that the level Public Health ringfenced grant allocation, including provision for NHS pay uplifts, will be sustained into the next financial year on an ongoing basis. Decisions on further annual uplifts will be taken on a case-by-case basis and negotiated annually over the Contract’s lifetime between the Council and the Providers, based on the Contracts’ core values.

Funding of the Uplift involves use of the Public Health ring-fenced grant. Any expenditure on the Uplift must meet the Public Health grant terms and conditions. Appropriate governance arrangements will need to be followed to draw down the necessary funding and ensure compliance with Financial Procedure Rules and grant terms and conditions.

Positions are employed directly by the Providers, and responsibility for the ongoing funding of the positions will remain with the Providers after the funding agreed in this report is exhausted. There are no changes to the Council’s establishment as a result of this decision.

Name: Alex Hill

Date: 23rd October 2024

Name of Chief Financial Officer and Service Director of Finance (or representative)

BOX 7

OTHER RELEVANT IMPLICATIONS

Where pay awards and pay uplifts are in response to external factors beyond the control of the relevant authority and the provider, and the modification does not render the contract materially different in character, then this may be a permitted contract modification under the PSR.

Name: Shaun Ferron

Date: 23.10.24

Name of Service Director (or representative)

ANY IMPLICATIONS SENT TO DEPARTMENTS SHOULD GENERALLY BE SUBMITTED AT LEAST 5 WORKING DAYS IN ADVANCE TO ENSURE THESE CAN BE GIVEN THE RELEVANT CONSIDERATION.

BOX 8

EQUALITY IMPLICATIONS: (To be completed by the author).

The uplift is being applied to all three public health commissioned services detailed earlier. This includes a non-NHS provider, but it is acknowledged there are staff with NHS AfC Ts&Cs.

BOX 9

RISK IMPLICATIONS: (To be completed by the author)

The risk is that not providing this uplift could create employee dissatisfaction and an impact on recruitment and retention which can have an impact on service delivery.

BOX 10

CONSULTATION

No specific consultation has been undertaken regarding this decision.

**BOX 11
INFORMATION NOT FOR PUBLICATION**

In accordance with the Freedom of Information Act 2000, it is in the public interest for this decision to be published in full, redacting only the signatures.

Name: Claire Hewitt Date: 25/10/2024

Name of FOI Lead Officer for service area where ODR originates

**BOX 12
BACKGROUND PAPERS**

Please confirm if any Background Papers are included with this ODR ~~YES~~/NO

(If YES please list and submit these with this form)

**BOX 13
AUTHORISATION**

Name: Rachael Leslie **Signature:** _____ **Date:** 25th October 2024

Director of Public Health

Does this decision require authorisation by the Chief Financial Officer or other Officer

NO

If yes please authorise below:

Name: _____ **Signature:** _____ **Date:** _____

Chief Executive/Executive Director/Service Director of _____

Consultation with Relevant Member(s)

Name: _____ **Signature:** _____ **Date:** _____

Designation _____

(e.g. Mayor, Cabinet Member or Committee Chair/Vice-Chair)

Declaration of Interest YES/NO

If YES please give details below:

PLEASE NOTE THIS FORM WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE IN FULL UNLESS IT CONTAINS EXEMPT OR CONFIDENTIAL INFORMATION.

Once completed a PDF copy of this form and any relevant background papers should be forwarded to Governance Services at Ladem@doncaster.gov.uk who will arrange publication.

It is the responsibility of the decision taker to clearly identify any information that is confidential or exempt and should be redacted before publication.