

## Officer Decision Record – Executive Decision

**If Key Decision: Decision Ref. No.**

**B106/23**

*If not a Key Decision write n/a above*

### OFFICER DECISION RECORD <sup>i</sup>

Officer Key Decisions are subject to the Council's Call-In Procedure (Annex 9 of the Council's Constitution <https://www.hertfordshire.gov.uk/about-the-council/freedom-of-information-and-council-data/open-data-statistics-about-hertfordshire/who-we-are-and-what-we-do/who-we-are-and-what-we-do.aspx>)

**Subject:** Extension of the Hertfordshire Partnership University NHS Foundation Trust contract on behalf of commissioning partners for two years from April 2024.

**Type of Decision:** Executive

**Key Decision (Executive Functions only):** Yes

**Executive Member/Committee Chairman:**

Tony Kingsbury

**Portfolio (Executive Functions only):**

Executive Member, Adult Care, Health & Wellbeing

**Officer Contact:** Robin Goold

**Tel:** 01438 845 472

## 1. Decision

To proceed with the extension of the Hertfordshire Partnership University NHS Foundation Trust contract on behalf of commissioning partners for two years from April 2024.

## 2. Reasons for the decision

The County Council is the lead commissioner on behalf of its NHS commissioning partners. The Council holds delegated health related duties under Section 75 Agreement (NHS Act 2006).

Hertfordshire requires a secondary mental health provider and services. NHS Trusts regionally and nationally are under considerable pressure and changing provider in current context represents a significant delivery risk of transitioning to a new provider or respecifying the services.

The contract contains a change control process to enable some review and changes to service specifications and ways of working that can be used for the period of the contract extension if service change is required.

Exercising the full two-year extension will enable:

- Longer term demand, operational, and resource pressures to be understood for any future contract form and service specification.
- Policy and guidance uncertainty to be clarified following the Health and Care Bill (2022) and resulting Provider Section Regime, and any impact on the Council as lead commissioner through its Section 75 Agreement to be understood.

## 3. Alternative options considered and rejected

Option	Considerations	Recommendation
<b>1. Do nothing</b>	Contract will expire in March 2024 leaving Hertfordshire without secondary mental health services.	Not recommended
<b>2. Re tender / re specify contract</b>	Re-contracting, specification or selection of an alternative provider would be a lengthy and resource intensive process and would take more than 18 months.  When the contract was awarded in 2019 it was found that there was no other economically viable provider	Not recommended
	The contract can only be extended once.	Not recommended

<b>3. Extend the contract for a specified time less than two years.</b>	The considerations in Sections 2 and 3 of this report are unlikely to be resolved in time to manage any re-specification of the services within a time frame any shorter than 2 years.	
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**4. Consultation** *(see Summary of Requirements below)*

**Was any Councillor consulted?      Yes**

**If yes:**

(a)    Comments of Executive Member/Committee Chairman

      No comments

(b)    Comments of other consultees

**5. Any conflict of interest declared by a councillor who has been consulted in relation to the decision**

None

**6. Following consultation with the Executive Member, I am proceeding with the proposed decision.**

Signed: Chris Badger

Title: Executive Director, Adult Care Services

Date: 11/08/2023

Copies of record to:

- All consultees
- hard & electronic copy (if required to be made available for public inspection) to Democratic Services Manager - Room 213 County Hall.<sup>ii</sup>

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## Summary of Requirements to Inform/Consult Councillors

<b>Significance of Proposed Action</b>	<b>Controversial</b>	<b>Relevant Councillor(s) to be Consulted</b>
Technical/Professional/ Routine	No	No need to inform or consult councillors
Technical/Professional/ Routine	Yes	<b>Executive Functions:</b> Consult relevant Lead Executive Member and, where appropriate, Local Councillor <b>Non-Executive Functions:</b> Relevant Committee Chairman and, where appropriate, Local Councillor
Local	No	<b>Executive Functions:</b> Inform Lead Executive Member and Local Councillor <b>Non-Executive Functions:</b> Inform Local Councillor
Local	Yes	<b>Executive Functions:</b> Consult Lead Executive Member and Local Councillor <b>Non-Executive Functions:</b> Consult Local Councillor
General or County-wide	No	<b>Executive Functions:</b> Consult relevant Lead Executive Member (s) <b>Non-Executive Functions:</b> Consult relevant Committee Chairman
General or County-wide	Yes	<b>Executive Functions:</b> Consult relevant Lead Executive Member (s) and the Leader of the Council <b>Non-Executive Functions:</b> Consult relevant Committee Chairman/Leaders all Political Groups