

Committee(s) for Stage 1A	Dated:
Policy & Resource Committee – For Decision Health & Wellbeing Board - For Decision	7th November 2024 15th November 2024
Subject: Pan -London Sexual Health E-Services Programme – City of London Corporation Role	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly? Diverse engaged communities, providing excellent services	Outcome 2
Does this proposal require extra revenue and/or capital spending?	No
If so, how much?	N/A
What is the source of Funding?	Externally Funded
Has this Funding Source been agreed with the Chamberlain’s Department?	N/A
Report of: Report of the Director of Community & Children’s Services and Chamberlain	For Decision
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Summary

30 of London’s local authorities, including the City of London Corporation (CoLC), collaboratively commission “open access” sexual health services, with the City Corporation acting as the Lead Authority for the participating authorities.

A small Programme team, the London Sexual Health Programme (LSHP) hosted by City Corporation as the Lead Authority and accountable body, manages the Pan-London Sexual Health E-Services contract on behalf of the 30 participating Authorities which has transformed sexual health for residents through digitally enabled solutions for self-care which are both convenient and cost effective. This contract is fully funded by the 30 participating authorities, inclusive of the London Sexual Health Programme (LSHP) team costs. The programme is also governed through the participating authority’s individual authorisation processes.

The Pan-London Sexual Health E-Services contract, valued at just over £200m, was initially awarded for 5 years in 2017 with the option to extend it by up to a further 4 years. The authorities have requested that the LSHP continues to act as a single point of leadership and management for the (re)procurement of a new service, and the City Corporation as Lead Authority and accountable body.

This report seeks approval for the City Corporation to continue to act as the Lead Authority, and the accountable body and host of the LSHP for the next phase of the LSHP with a view to re-procuring the service. This would be subject to each participating authority, including the City Corporation acting by its Health and Wellbeing Board, taking their local decisions to renew the arrangements and to meet

the joint costs of the service (both the hosting costs and the service contract) with the City Corporation acting as the accountable body. Due to the potential risks the City Corporation also needs to be satisfied that the arrangements agreed adequately protect the City Corporation acting as the Lead Authority and this report sets out the case for those arrangements continuing. Future decisions on the re-procurement will be brought back to Members for consideration and decision in accordance with the City Corporation's usual procurement procedures.

Recommendations

Members are asked to approve that:

- a. the City Corporation continues to act as the Lead Authority and accountable body for the procurement of a new Pan-London Sexual Health E-services contract and the host of the programme management service under an inter-authority agreement subject to:
 - i. those terms being satisfactorily agreed by all the participating authorities (including the City Corporation in the discharge of those functions acting through the Health and Wellbeing Board), and
 - ii. the City Corporation being satisfied that the arrangements adequately protect the City Corporation acting as the Lead Authority; and
- b. the Executive Director of Community and Children's Services in consultation with the Chamberlain and Comptroller and City Solicitor be authorised to settle the terms of a new inter-authority agreement for the City Corporation as Lead Authority.
- c. Once agreed in principle and terms are agreed including sign off of the new IAA, the procurement will proceed with adherence to the procurement code, via CoLC authorisation process.

Main Report

Background

1. London's Sexual Health E-Service is part of the Pan London Sexual Health Program (LSHP) which aims "to manage and deliver an efficient virtual service as part of a wider healthcare system that responds effectively to the sexual and reproductive health needs of London's residents."
2. In 2017 the 30 London local health authorities, including the City Corporation acting in that capacity, agreed to collaborate to deliver these sexual health services under an Inter-Authority Agreement (IAA) dated 16 May 2017, with the City Corporation also agreeing to be appointed as the Lead Authority, being the accountable body responsible for hosting the programme management service and procuring the E-service.
3. The contract for the provision of the E-Service, valued at over £200m, was awarded by the City Corporation on 15 August 2017, for a minimum 5-year term with options to extend it by a maximum of 4 years. The contract was extended

for a further 3-year extension in 2022, allowing for a further 1-year extension up to 14 August, 2025.

4. The E-Service is provided by Preventx Ltd who sub-contract with Chelsea and Westminster NHS Trust and Lloyds Online Doctor for clinical leadership, patient care and the supply of medical treatments.
5. It provides online assessment for sexual health testing services by post with remote treatment for chlamydia. The E-Service is partnered with London's NHS Trusts who provide ongoing care to E-Service users as required. It provides contraception to residents of 16 authorities, who have called off this optional service line.
6. The E-Service has performed well against the key performance indicators, the supplier has been responsive to our evolving needs and service user feedback is consistently positive. When compared with providing similar care pathways in a traditional clinic setting, the E-Service provides value for money to the participating Authorities and convenience for their residents.
7. A small Programme team, the London Sexual Health Programme Team (LSHPT), hosted by the Department of Community and Children's Services within the City Corporation, manages the E-Service contract on behalf of 30 participating authorities under the IAA. The arrangements provide for the costs of the hosting to be met by the participating authorities as well as for recharging each of the local authorities for their residents' usage in a timely manner so that liquidity risk is managed for the City Corporation as the accountable body.
8. An E-Service Management Board (ESMB), comprising of representatives from each participating authority, provides strategic oversight for the contract and makes recommendations to the City Corporation when variations, including extensions, to the contract are needed.

Current context

9. The 30 participating authorities have recommended to the City Corporation, via the E-Services Management Board (ESMB) meeting held on the 31 August 2024, that the current E-Services contract is extended by 1 further year from 15 August 2025 to 14 August 2026.
10. This extension will ensure there is adequate time for all participating authorities to obtain their own authorisations to extend the arrangements, including hosting and procurement by the City Corporation as the Lead Authority and accountable body, and to participate in any subsequent service contract awarded by the City Corporation; and for the delivery of a comprehensive competitive procurement process by the City Corporation as Lead Authority. Shared legal advice continues to be procured for the benefit of all those participating to advise on the revised IAA and proposed competitive procurement, which advice will be funded by all the authorities.
11. With the City Corporation as Lead Authority, the competitive procurement of the new service will be guided by the expertise of City Corporation's Finance, Governance & Commercial Services, and as the City Corporation will be entering into the legal agreements as Lead Authority, the Comptroller & City (CCS) Solicitor's. The CCS Department will oversee the execution of the legally binding

service contract and would advise the City Corporation in relation to matters arising on the joint advice for the City Corporation, and as lead authority on the procurement unless this substantive commercial legal advice was within the brief of the external legal advisers where the CCS would be limited to the drafting of the provisions for insurance and indemnities (alongside the Chamberlain under the Corporate governance framework of the CoLC) and execution formalities for the CoLC.

Consideration and evaluation of options

12. The request to act as the Lead Authority and accountable body to host the Programme support, and (re)procure the Pan-London Sexual Health E-Services contract, is indicative of the esteem in which London's authorities hold the LSHP as hosted by the City Corporation and their confidence in our ability to continue to deliver this important work.
13. The COVID19 pandemic negatively impacted clinical service delivery and the programme has shown itself to be an effective vehicle for leadership and collaboration between authorities and the NHS. The programme coordinated the introduction of routinely commissioned Pre-exposure prophylaxis (PrEP), to prevent human immunodeficiency viruses (HIV), and it continues to support the authorities in taking a consistent approach to cross-charging arrangements relating to the use of clinics by residents from other authorities.
14. The Pan-London Sexual Health E-Service is the world's largest remote sexual health service, its work has been published in peer-reviewed medical journals and its highly visible success is greatly enhancing London's reputation for excellence and innovation in sexual health and MedTech. This has raised the profile of the City Corporation on the international stage and the City Corporation LSHP have hosted a number of international delegates during the current contract to showcase the good practice and leadership associated in delivering this high-profile regional programme. The LSHP is multi-award winning.
15. Authorities who participate in the LSHP have indicated their in-principle support, by an overwhelming majority, to continue to receive the benefits of an efficient virtual service after the current contract ends; one that continues to operate as part of a wider healthcare system that responds effectively to the sexual and reproductive health needs of London's residents.
16. Whilst each authority will need to take local decisions to authorise their on-going participation and financial commitment, preliminary work has been undertaken. The constituent authorities participating in the programme have taken and considered joint legal advice on the new Provider Selection Regime (PSR) from the external legal advisers instructed to advise the LSHP and a consensus has emerged that the potential award of a new contract is within the scope of the new regulatory framework and a procurement strategy should be implemented accordingly.
17. A full evaluation of the existing hosting and delivery arrangements by the City Corporation as the Lead Authority and accountable body has been undertaken by the Community and Children's Services Department, as the responsible Department. No substantive issues have arisen in delivery which attributed to any unmitigable risks to the City Corporation. The arrangements have operated

well under the current IAA and associated working arrangements, well supported by the LSHPT. (See also Financial, Legal and Risk Implications below.)] The Hosting the programme and letting the contract as the accountable body for the participating London authorities has been demonstrated to enhance the reputation of the City Corporation in dealing with other local authorities and related public services providers in London, national stakeholders and around the world.

Recommended options

18. So that the local authorities of London can continue to enjoy the benefits of collaboratively commissioning Pan-London Sexual Health E-Services for the benefit of their residents, it is recommended that the City Corporation agrees to continue to act as the Lead Authority and accountable body for the procurement of a new Pan-London Sexual Health E-services contract and the host of the programme management service under an inter-authority agreement subject to those terms being satisfactorily agreed by all the participating authorities, and the City Corporation being satisfied that the arrangements agreed adequately protect the City Corporation acting as the Lead Authority and accountable body.

Results Savings, efficiencies and benefits

19. The current contract for E-services provides value for money to the participating authorities when compared with providing similar care pathways in a traditional clinic setting. Currently the participating authorities are spending £11 million less on STI interventions than in 2019/20. The greater the proportion of activity that happens online, the greater the efficiencies for the authorities individually and collectively. Public Health England predict that the next 10 years will see a return on investment based on £9.00 saving for every £1 invested in publicly provided contraception.
20. The E-Service is addressing accessibility challenges for residents from deprived areas. 69% of STI Kits were ordered from the top 5 most deprived areas in London with 74% for routine contraception and 81% for Emergency contraception.
21. Providing the same care at lower prices enable the participating authorities to meet the challenge of rising demand for sexual health testing that accompanies expanded uptake of Pre-Exposure Prophylaxis (PrEP) and fulfil the capital's commitment to becoming the first nation in the world to achieve zero new HIV transmissions by 2030.
22. The LSHP Team have a new dedicated senior Health Business Analyst joining the team in September 2024 to undertake all the data and financial modelling to detail the efficiency, effectiveness, value and behaviour of the Pan-London residents accessing the Sexual Health E-Service and how it is critically improving health outcomes across all participating authorities. This information will underpin the impending Business Case for the new procurement to be approved across all Related Authorities to proceed to market via a Provider Services Regime route.

Financial Implications

23. City Corporation acting as a trusted broker on behalf of the LSHP is of no cost to the Corporation. The value of the monthly invoices from the existing supplier under the current contract requires enhanced approval processes involving the Chamberlain, Chamberlain's Department, and the Executive Director of Community & Children's Services. The programme team includes a dedicated resource for recharging the participating authorities each month according to their residents' usage. The level of liquidity in the funds under the arrangements is regularly reviewed with the Chamberlain and any new measures to manage risk for the City Corporation as accountable body are then implemented.

Legal Implications

24. The existing IAA permits the arrangements, and associated service contract to be extended by one year, should the participating authorities each agree, with City Corporation procurement procedures being followed to affect this extension.
25. A continuation of the joint arrangements requires the participating authorities to each formally agree the terms governing the arrangements, including financial commitments; this will include the City Corporation as local authority which decisions are for the Health and Wellbeing Board and will be considered separately by that Board should this reports recommendations be supported. A new IAA will be required. Once those arrangements are agreed the City Corporation, as the Lead Authority, can take the relevant steps to (re)procure the Sexual Health E-Service in accordance with the City Corporation's standard procurement procedures.
26. Legal advice will be taken on the drafting of the IAA for the City Corporation as a participating authority and as Lead Authority, and on the terms of the new E-services contract.

Risk Implications

27. There is significant risk for London's sexual health system if the City Corporation does not continue to host the programme on behalf of the Related Authorities.
28. If the mandate is not approved as recommended by the Related Authorities, this would create significant risk of major reputational damage for all participating authorities, including the City Corporation, as well as a significant rise in sexual health costs. This is because the activity currently managed through the sexual health E-Service will be transferred back to in-person clinics across London.
29. An alternative for the Programme would be for another London local authority to take over as Lead Authority. If the City Corporation decides this would be the appropriate outcome, all 30 Related Authorities (including the City Corporation as a participating authority) will be asked for a consensus in identifying a new Lead Authority. This will require consideration of the transfer of the management of the programme (the LSHP), inclusive of TUPE and related employee considerations. as well as the process for separate procurement of the new E-service in a timely way. We are engaging in the City Corporation decision-making processes at this early stage to allow ample time put in place revised

arrangements should the City Corporation not be supportive of continuing as Lead Authority and accountable body.

30. Under the leadership of the LSHP, the impact of the Mpox outbreak was managed pan-London in 2022. This was shortly after the impact of Covid-19. A transfer of the Lead Authority functions to another authority may result in less experience of managing these widespread public health challenges that directly affect sexual and reproductive health could create a significant risk to the success of the programme.
31. Furthermore, there are risks in all **procurement processes** and in undertaking the role of host and contract management of the programme by City Corporation on behalf of the participating Authorities. The following cites the key risks and mitigations:
 - (a) **Inaccurate forecasting** mitigated by the comprehensive pan London Needs Assessment and comprehensive qualitative and quantitative research methods.
 - (b) **Compliance management** mitigated by subject matter expertise support from the commercial, legal and finance teams within City Corporation with external support from the Equalities & Human Rights Commission to ensure Public Sector Equalities Duty compliance.
 - (c) **Recourse for City Corporation hosting the funds on behalf of pan London Authorities.** There is to be a robust disclaimer within our Inter Authority Agreement (IAA) that CoLC will not be held responsible.
 - (d) **Diverse Participating Authority timelines** mitigated by clear LSHP Programme Management Office and governance oversight.
 - (e) **Cybersecurity threats** mitigated with the support of the City Corporation DITS to ensure the protection of sensitive data and procurement software security.
 - (f) **Data privacy issues** mitigated through compliance with City Corporation data protection regulations to avoid legal penalties and significant financial risks.
 - (g) **Legal Challenge** in the event that the City Corporation receive a legal challenge as a consequence of the contract award, the LSHP have the support of their external legal advisers instructed to advise all the participating authority, alongside the City Corporation commercial and legal teams (Contracts, Litigation and Governance) which are involved from inception of the procurement timelines.
 - (h) **Adverse Publicity** mitigated with advice and support from the CoLC communications team.

Equalities implications

32. The Programme has sought external support from the Equalities & Human Rights Commission to ensure Public Sector Equalities Duty compliance. To ensure the Programme remains fully compliant throughout the duration of the Programme an Equalities Diversity & Inclusion Advisory Board (EDIAB) has been established as part of the existing governance structure to provide advice to the Statutory Board and Clinical Advisory Board on all matters related to the delivery of the Programme. The EDIAG consists of diverse service user representation to ensure service users' voices are heard and represented on all matters related to

the Programme. This Group will be consulted on the Equalities Impact Assessment (EQIA) completed by the Programme.

Climate implications

N/A

Security implications

N/A

Conclusion

33. The City Corporation as a Lead Authority (and through its own participation as a local authority) has successfully hosted the commissioning arrangements of digitally enabled solutions for self-care on transforming sexual health care for residents and hosting the management of the programme for the past 7 years to date.

By extending these arrangements, the City Corporation is provided with the opportunity to continue to enhance outcomes for its own residents and those in Greater London, as well as enhancing the City Corporation's reputation for delivering excellent public services, technological innovation and cost effectiveness.

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