



**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL  
HEALTH AND WELLBEING BOARD**

**31 March 2022**

**Report of the Director of Public Health**

**Establishing the Derbyshire County section 75 Sexual Health Strategic  
Governance Group as a sub-group of the Derbyshire Health and  
Wellbeing Board**

**1. Purpose**

- 1.1 For the Health and Wellbeing Board to :
- a) Agree that the Derbyshire County section 75 Sexual Health Strategic Governance Group (SGG) becomes formally recognised as a part of the governance arrangements for the Derbyshire Health and Wellbeing Board (HWB).
  - b) Agree a timetable of receiving annual update reports for the HWB from the SGG.

**2. Information and Analysis**

- 2.1 This report follows earlier agreement by Derbyshire County Council Cabinet on 10 March January 2021 (minute number 06/21) for the delivery of the Derbyshire Sexual Health service through a section 75 agreement subject to public consultation. The mandatory public consultation was completed in July 2021, giving confirmation for a proposed section 75 partnership. Further detail about the Consultation is outlined in paragraph 5.
- 2.2 Since October 2021, the Derbyshire County section 75 Sexual Health SGG has been established, to oversee the development of the section 75 proposal through the section 75 Sexual Health Project Group.

- 2.3 The Derbyshire section 75 Sexual Health is a formal partnership between Derbyshire County Council and Derbyshire Community Health Services (DCHS NHSFT), implemented from 1 April 2022 for an indefinite period with annual review.
- 2.4 The partnership is compliant with the mandatory responsibility placed on local authorities for the provision of sexual health services and includes:
- a) the current Derbyshire sexual health service, the delivery of pre-exposure prophylaxis (PrEP) and the management of cross-charging for the out of area flow (OOA) of Derbyshire residents accessing sexual health services in Derby City. The agreed budget, funded from the Public Health Grant includes three delivery elements:
    - A budget of £4.750m per annum for the service. This payment is for Derbyshire residents accessing the Derbyshire sexual health service.
    - A budget of £0.635m for out of area (OOA) payments for treatment given to Derbyshire residents accessing the Derby city service.
    - A budget for Pre-exposure Prophylaxis HIV (PrEP), determined by the Department of Health year on year as part of the Public Health grant. The Public Health Grant will be set on a 3-year basis from April 2022.
  - b) the sharing of patient flow information between Derbyshire County Council and DCHS NHSFT for Derbyshire residents accessing sexual health services outside of Derbyshire.
- 2.5 A second report seeking final approval from Derbyshire County Council Cabinet for implementation of the section 75 from 1 April 2022 was given final approval on 10 March 2022.
- 2.6 **The benefits of a section 75 model**  
A section 75 agreement is a legal agreement and formal partnership between a local authority and an NHS body under section 75 of the National Health Service Act 2006 (updated under the Health and Social Care Act 2012).
- 2.7 A main benefit of a section 75 model is to generate greater collaboration and innovation at pace to meet the changing sexual health needs of the Derbyshire population. It will raise new opportunity for specific collaborations in the form of joint commissioning and development of a system-wide budget to realise a more stable local sexual health system, which is currently fragmented due to the plethora of different commissioners and providers working within different and separate budgets. This fragmentation both nationally and locally can raise

confusion about roles and accountability across partners in the system and this can result in risks to efficiency and seamless care for patients. A section 75 partnership can also offer ways to mitigate risks to service instability through the security of block payment arrangements, whilst also providing opportunity to innovate and work collaboratively to meet need. There are numerous examples of successful section 75 agreements operating across the sexual health sector, examples of which are given in a [2015 Local Government Association report, 'Sexual health commissioning in local government: building strong relationships, meeting local needs.'](#)

## 2.8 Additional benefits of the section 75 model include:

- Stability for staff and the population being maintained because the existing service provision is continued without the need for re-procurements. This further supports existing pathways across the sexual health system.
- Benefits to improving health inequalities. There is no risk from re-procurement and changing provider or periods of provider transition that can further impact negatively on inequality.
- Opportunities for more development, innovation and alignment with local authority and other NHS services. Opportunities may include potential future consideration towards a system-wide budget, starting initially with the Public Health investment but with the opportunity to build in where relevant, Integrated Care System (ICS) and NHS England and NHS Improvement (NHS E/I) commissioned sexual health services, (subject to further development and negotiation). This would substantially increase partnership working opportunities as a system, without the commissioner: provider split and gain efficiencies of scale from the approach.
- Significant opportunity and cost benefit in freeing up commissioner and provider staff time from re-procurement processes.
- Creating greater transparency in activity and outcome against investment and allow greater flexibility and responsiveness.
- Giving greater flexibility to work collaboratively for improvements and changes in alignment with population health need to the service specification over time.
- Allowing flexibility to meet changing service user needs and to improve service user outcomes.
- Enabling Derbyshire County Council and partners to work together in a cohesive fashion to manage future turbulence within the system and enact savings at a faster pace if necessary.
- Supporting local system principles of the ICS – with focus on collaboration.
- Increasing partnership working opportunities as a system, without the challenges of multiple commissioner/provider splits.

2.9 Greater innovation and opportunity towards collaboration can offer real results in terms of gains in efficiencies of scale and more capacity to re-invest in elements of care that need this most. Additionally, greater capacity (time and money) to re-invest will mean further development and alignment with Derbyshire County Council and other NHS services to support new pathway development across services associated with sexual health to best meet need, especially for those most at risk. There will be greater transparency in activity and outcomes against investment, creating further flexibility and responsiveness to need.

#### **2.10 Reasons why using a section 75 partnership is necessary for Derbyshire**

The current Derbyshire Integrated Sexual Health Service (DISHS) contract was awarded by Derbyshire County Council Cabinet on 17 May 2018 (minute number 162/18). The contract was awarded to Derbyshire Community Health Services NHS Foundation Trust (DCHS NHSFT) for an initial five years with two 24-month options to extend, subject to satisfactory performance. This contract commenced on 1 April 2019 and is set to expire on 31 March 2028 if both options to extend are taken.

2.11 The current service is compliant with the services that all local authorities who are delivering Public Health services are mandated to deliver to ensure provision of open access sexual health services including:

- Contraception including long acting reversible contraception (LARC) in primary care
- Testing and treatment of sexually transmitted infections (STIs)
- Sexual health aspects of psychosexual counselling
- Sexual health specialist services including young people's services, outreach, HIV prevention and sexual health promotion.
- Pre-exposure prophylaxis (PrEP).

2.12 Derbyshire service delivery is through an innovative multiple delivery model developed over many years to meet patient need and to maximise access across the diverse demographic locally. Approaches include:

- Digital delivery of services for screening of sexually transmitted infections (STIs) and provision of some forms of contraception, such as oral contraceptives, emergency contraception and condom provision.
- A requirement to provide face-to-face delivery across multiple settings, including at integrated clinics and offering a fully integrated service (level 3) through a hub and spoke model at several periphery clinics.
- Delivering targeted outreach through voluntary and community sector partners and a Sexual Health Improvement and HIV

Prevention Team working in multiple models including one-to-one intensive support and group support across multiple venues and settings to ensure best accessibility for those most at risk. Virtual support is also delivered as appropriate.

- Sub-contracted services in various settings including general practice, pharmacy and voluntary sector.
- Providing an interface across the wider sexual and reproductive health system endeavouring to ensure smooth pathways for patients from one externally commissioned service to another.

2.13 The current service is performing strongly against contractual key performance indicators (KPIs) and its multiple delivery model approach provided a strong basis to continue delivery during the pandemic despite national and local challenges, including temporary staff redeployment. The service was also enabled to maintain and deliver PrEP services from October 2021, continuing from the national PrEP trial, as introduced by Government. Previously in September 2019, the DCHS NHSFT sexual health service was commended as 'Outstanding' by the Care Quality Commission (CQC).

2.14 The section 75 Sexual Health service will continue to be monitored through contractual arrangements on a quarterly basis. Reporting requirements will be reviewed in partnership with DCHS NHSFT through the duration of the section 75 and alongside annual reviews – with collaborative focus on service delivery, meeting patient need and monitoring the use of budget across all elements of provision. As stated, there is opportunity for growth of the service through system-wide collaboration and to meet the changing sexual health needs and demographics of the Derbyshire population.

2.15 The service will contribute to Derbyshire County Council Public Health Outcomes Based Accountability (OBA) programme, specifically supporting population health outcomes regarding Healthy Lives and Health Risking behaviours. Using this approach sexual health is a key contributor to support the health outcomes for our population.

### **3. Alternative Options Considered for the Derbyshire section 75 partnership governance arrangements**

3.1 The section 75 does not align with HWB governance and remains as a standalone arrangement. This is not the preferred option because the footprint of the section 75 is the Derbyshire population, therefore, within the scope of HWB governance. Additionally, if the governance for the section 75 Sexual Health remained outside of the HWB, this would not mirror the current governance arrangements for the section 75 0-19s service.

3.2 The section 75 Sexual Health for Derbyshire aligns with the HWB governance arrangements.

This is the preferred option. It is important that the HWB can be assured that the SGG is providing strong oversight to enable the section 75 development to perform at its best, meeting the sexual health needs of the population. Governance under the HWB for sexual health also mirrors the current arrangements for the 0-19s section 75.

#### **4. Implications**

4.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

#### **5. Consultation**

5.1 The public consultation was carried out to seek views on the proposed section 75 agreement between Derbyshire Community Health Services NHS Foundation Trust (DCHS NHS FT) and Derbyshire County Council (DCC), to enable DCHS NHS FT to deliver sexual health services on behalf of DCC, with the aim of improving health and wellbeing outcomes for all who access sexual health services.

5.2 The consultation ran for 42 days from 1 June to 12 July 2021. An online questionnaire was available on the Have Your Say Page of the Derbyshire County Council website, paper copies were available on request. The Final report concluded that respondents were in agreement for Derbyshire County Council to develop the future of the Derbyshire Integrated Sexual Health Service through a formal partnership agreement (Section 75) with the current provider, Derbyshire Community Health Services NHS Foundation Trust.

5.3 Demographics of respondents who participated in the consultation are as follows:

- 119 respondents: 64% from NHS organisations; 33% from local authority; 7% from Education and 11% from the voluntary and community sector
- 85% female respondents; 15% male
- 95% of respondents were White British
- 83% of respondents identified as heterosexual; 7% bisexual; 8% gay or lesbian and 3% other sexual orientation
- 10% of respondents lived with disability impacting on daily activities.

5.4 The following key themes were raised for consideration in an evolving section 75 agreement going forward:

- The need for Relationship and Sex Education of primary/ secondary age children and young people was reiterated.
- The need for consistent education across all communities was raised.
- The importance of maintaining emphasis on Prevention to mitigate risk and harm, working towards good sexual health for all was raised.
- The need for Sexual Health Promotion and targeted action to address inequality was reiterated including working with the following specific groups – people identifying as lesbian, gay, bisexual and transgender, young people, students and adults with a Learning Disability (LD).
- Respondents reiterated the need for inclusive services.
- The use of different settings to meet need and demand was suggested such as workplaces, Learning Disability settings in community towards “normalising” sexual healthcare and addressing stigma
- Women’s health including menopausal care was included.
- Working with voluntary and community sector partners was advocated.

## **6. Background Papers**

- 6.1 Derbyshire County Council Cabinet, 10 March 2021 – Approval of the Derbyshire Sexual Health Service within a section 75 for implementation April 2022.

## **7. Appendices**

- 7.1 Appendix 1 – Implications.

## **8. Recommendation(s)**

- 8.1 That the Health and Wellbeing Board:
- a) Agree that the Derbyshire County section 75 Sexual Health Strategic Governance Group (SGG) becomes formally recognised as a part of the governance arrangements for the Derbyshire Health and Wellbeing Board (HWB).
  - b) Agree a timetable of receiving annual update reports for the HWB from the SGG.

## **9. Reasons for Recommendation(s)**

- 9.1 The Health and Wellbeing Board will be able to assure itself that the SGG is discharging its functions appropriately to a high standard. It is

important that the HWB has oversight of the development of the new section 75 Sexual Health for Derbyshire both for assurance across arrangements and also awareness of future developments, collaboration and innovation for the benefit of the Derbyshire population.

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### Implications

#### 1. Legal

A section 75 agreement is a legal agreement between a local authority and an NHS body under section 75 of the National Health Service Act 2006 (updated under the Health and Social Care Act 2012). It enables local authorities and NHS bodies (including clinical commissioning groups and foundation trusts) to enter into arrangements in relation to the exercise of each other's health-related functions where such arrangements will provide a more streamlined service if they are likely to lead to an improvement in the way those functions are exercised. The arrangements may mean that one body carries out the functions of both in providing the service; that the two bodies share functions (usually with a pooled budget); or that one body commissions services on behalf of both. Where one party is commissioning services on behalf of both parties, that organisation's procurement rules apply to the procurement.

The section 75 agreement will include clearly defined shared performance measures, outcomes, aims and objectives, setting out the services to be delivered. It will also detail governance arrangements including accountability, financial reporting, management of risks, exit strategy and treatment of any overspends/underspends.

#### 2. Corporate objectives and priorities for change

Sexual Health supports the Health and Wellbeing strategic priority to Enable people in Derbyshire to live healthy lives. Sexual Health services strive to support the population to live healthier lives and make safe, healthy choices relative to their sexual health and wellbeing. Prevention of sexual ill-health is key to healthy, fulfilled lives. A key contribution from sexual health includes

- ensuring accessible screening to prevent STI transmission
- prevention of late STI diagnosis in order to secure early access to treatment
- accessible contraception services alongside information to support an informed choice to prevent unwanted conceptions
- a focus on addressing health inequality across populations most at risk
- support to de-stigmatise sexual health and thus prevent barriers for some people to service access.

#### 3. Risk

The section 75 agreement is deemed low risk based on reasons of:

- This is a mandatory service placed on local authorities and the full mandatory service elements are included within the section 75.
- The budget agreed can be met within the Public Health grant which is determined on a 3-year basis from 1 April 2022.
- The section 75 for sexual health has learnt from the current section 75 for the Derbyshire 0-19s service and this has helped mitigate risks in its local development.
- Derbyshire County Council and DCHS NHSFT operate a Risk Log in collaboration and this is agreed to be reviewed on a quarterly basis for the duration of the section 75, to manage mitigation of risk to all elements within the section 75.

A Risk Management Schedule is agreed between Derbyshire County Council and DCHS NHSFT with an on ongoing Risk Log to be reviewed on a quarterly basis.