

DERBYSHIRE COUNTY COUNCIL

CABINET

15 April 2021

Report of the Director of Public Health

**OUT OF AREA SEXUAL HEALTH SERVICES
(Health and Communities)**

1. Purpose of the report:

To seek Cabinet approval for the proposed terms and conditions to invoicing for out of area (OOA) sexual health services from April 2021.

2. Information and analysis:

Since 1 April 2013, Local Authorities have been mandated to ensure that comprehensive, open access, confidential sexual health services are available to all people who are present in their area, whether resident in that area or not. The requirement for Genito-Urinary Medicine (GUM) and Contraception and Sexual Health (CaSH) services to be provided on an open access basis is stipulated in the Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013. From this year local authorities are required to initiate routine commissioning of HIV Pre-Exposure Prophylaxis (PrEP) under this national mandate.

The open access nature mandated for sexual health services results in residents having the choice to access a service in their home local authority provision or go out of area (OOA).

With the transfer of services over to local authorities, the Department of Health and Social Care issued guidance on cross charging in August 2013 updated in 2018 outlining principles for local authorities to make payment for residents accessing services outside the area. The guidance suggests that it is for local determination how these arrangements work and solutions that meet the needs of local areas and populations should be in place. The guidance was developed to encourage a consistent, equitable, fair and transparent approach to cross charging and billing for out of area service users, from both a Commissioner and Provider perspective.

The Council has current Derbyshire OOA terms developed within the national guidance. A review of these terms is now necessary due to recent analysis on the OOA charging position locally and nationally, with benchmarking against our

terms, to ensure Derbyshire remains efficient in its use of the OOA budget as well as being fair to OOA provider organisations delivering to our residents. Additionally, a new Derbyshire OOA tariff is required for HIV PrEP.

This paper seeks approval for the attached, Appendix One, Derbyshire OOA 2021-22 terms and conditions, detailing how Derbyshire County Council will manage non-contracted sexual health out of area activity (residents attending sexual health services commissioned by other Local Authorities in England) and provide clarity on the conditions and payment terms for cross charging. Derbyshire County Council's terms aim to ensure a consistent and fair approach to cross-charging with non-contracted providers outside of Derbyshire. These reviewed terms include the introduction of routine commissioning of HIV Pre-Exposure Prophylaxis (PrEP).

Once approved the Derbyshire OOA 2021-22 terms and conditions will be shared with local and national providers and across the national Commissioners forum.

These terms will be applied initially for a pilot period, from 01/04/21 until 31/03/22 when they will be reviewed, and we have much clearer picture of the demand and flow associated with the routine commissioning of PrEP.

3. Social Value considerations:

It is acknowledged that deterring people from attending open access sexual health services, e.g., in relation to the provision of emergency contraception to address unintended pregnancy and for those at risk of sexual exploitation presents a high level of risk to the individual. Any restriction in access to core reproductive and sexual health services carries a high reputational risk for Local Authorities.

4. Financial Considerations:

The annual budget to pay for out of area sexual health activity delivered to Derbyshire residents is £1.600m This has traditionally been underspent and OOA activity is gradually declining. The Department of Health and Social Care has not yet confirmed the total allocation for Derbyshire in 2021-22 for delivery of PrEP. Allocations are decided within the spending review process. However local authorities are informed that the 2021-22 allocation will be based on the methodology that calculated the local allocation this year (£66,520 based on 9 month period). This includes out of area costs.

The PrEP allocation is paid to the provider by block payments in line with the current block payment schedule within the contract

5. Legal considerations:

The Department of Health and Social Care non-statutory national guidance outlining key principles to cross charge for out of area sexual health activity is available to support both local authorities and service providers to determine their respective local charges. The guidance will be followed by the Council except in cases where it is concluded after due consideration there is a good reason to depart from it.

Councils are now required to support the transition into routine commissioning of PrEP as part of their mandatory commissioning function of local ISHS as set out in The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013.

6. Other considerations:

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality of opportunity, human resources, environmental, health, property and transport considerations.

7. Background papers:

- Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013. [Local Authorities \(Public Health Functions and Entry to Premises by Local Healthwatch Representatives\) Regulations 2013](#)
- Cabinet Report 2 December 2014, Out of Area Sexual Health Services
- Department of Health - Sexual Health Services: Key Principles for Cross Charging Department of Health and Social Care '[Sexual Health Services: Key Principles for Cross Charging](#)' (August 2018)
- Public Health SMT Report 22 February 2021 and approved Business Case: Routine commissioning of HIV Pre-exposure Prophylaxis (PrEP) within the Derbyshire ISHS from 1 April 2021 to 31 March 2022.
- Derbyshire County Council Sexual and Reproductive Health Services Cross Charging Terms and Conditions 2021-2022 (Attached)

8. Key Decision:

No

9. Call-in:

Is it required that call-in be waived for any decision on this report?
No

10. Officer's recommendation:

To approve the attached proposed terms and conditions for out of area invoicing for sexual health activity from 1 April 2021 to 31 March 2022.

Dean Wallace
Director of Public Health

Appendix One



OOA Terms &
Conditions 21-22.pdf