



Cabinet
12 February 2018

**Report from the Strategic Director
of Children and Young People**

**Authority to Direct Award Contracts for Speech And
Language Therapy**

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt:	Open
No. of Appendices:	None
Background Papers:	None
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1.0 Purpose of the Report

- 1.1 This report makes recommendations regarding the procurement of two contracts for the provision of speech and language therapy to support Children with Special Educational Needs and Disabilities (SEND).
- 1.2 This report seeks approval to directly award a contract to London North West NHS Healthcare Trust for twelve months for speech and language therapy in mainstream schools (ages 5-19 years) and to directly award a twelve month contract to Central and North West London NHS Foundation Trust for speech and language therapy in Children's Centres (ages 0-5 years).

2.0 Recommendation(s)

That Cabinet:

- 2.1 Approves an exemption pursuant to Contract Standing Order 84(a) of the requirement to tender a twelve month contract for Speech and Language Therapy in mainstream schools and a twelve month contract for Speech and Language Therapy in Children's Centres for the operational and financial reasons set out in sections 3 and 4.

- 2.2 Approves the award of a twelve month contract for Speech and Language Therapy in mainstream schools from 1st April 2018 to 31st March 2019 to London North West NHS Healthcare Trust.
- 2.3 Approves the award of a twelve month contract for Speech and Language Therapy in Children's Centres from 1st April 2018 to 31st March 2019 to Central and North West London NHS Foundation Trust.

3.0 Background

- 3.1 Under the Children and Families Act 2014, local authorities have a responsibility to meet the educational needs of children and young people as stated in a child or young person's Education Health and Care Plan (EHCP). This often includes speech and language therapy.
- 3.2 Clinical Commissioning Groups (CCGs) have a responsibility under the Children and Families Act 2014 to provide community services, including therapy services, for children and young people to meet their health needs.
- 3.3 It is estimated that between 1 and 2% of the UK's population at any one time has a severe speech, language and communication disability, requiring specific assistance in order to have their needs met. Nationally, speech, language and communication needs are the most common type of need in primary-aged children with Education, Health and Care Plans and for 26.5% of this group it is their primary need. Children with communication difficulties often have additional behaviour problems.¹
- 3.4 Demand for the speech and language therapy services provided by Brent Council is high. In 2017, 358 pupils received speech and language therapy in mainstream schools, with an average of 20 new cases per quarter. A total of 6634 children received speech and language support in Children's Centres through group sessions, bespoke advice and information or assessment and identification for qualified speech and language therapy support, with 1442 seen for targeted support.
- 3.5 Speech and language therapy for Children and Young People is currently commissioned by Brent Council and Brent Clinical Commissioning Group as follows:
- The Council contracts with London North West NHS Healthcare Trust to deliver speech and language therapy into Brent mainstream schools (annual contract value of £391,439) and with Central and North West London NHS Foundation Trust to deliver Speech and Language Therapy into Children's Centres (annual contract value is £238,626).
 - Local therapeutic support commissioned by Brent CCG is delivered as part of a wider Paediatric services contract by London North West NHS Healthcare Trust (LNW). This service is currently included in a block contract of community services delivered by LNW at a total value of

¹ http://www.rcslt.org/governments/docs_2017/uncrpd_submission

£1,700,000, for which Ealing Clinical Commissioning Group is the lead commissioner.

- Speech and language therapy is commissioned for Brent children in out of borough schools from appropriate local providers on a case by case basis to support the specific needs of the child.

3.6 The speech and language therapy service in Children's Centres supports children aged 0 to 5 and their parents attending Brent Children's Centres. The service works with parents, practitioners and children to encourage age appropriate communication development and prevent speech delay. The service provides advice, guidance and training to improve understanding of child communication development.

3.7 The speech and language therapy service in mainstream schools delivers support to pupils attending Brent mainstream schools. The service provides assessment and therapy interventions, as well as guidance for staff in schools on how to implement programmes that assist speech, language and communication development.

4.0 Joint Commissioning

4.1 Between 15 May 2017 and 19 May 2017, Ofsted and the Care Quality Commission (CQC) conducted a joint inspection of Brent to judge the effectiveness of the area in implementing the SEND reforms. The inspection identified areas of strength, but also five areas of areas concern, of which three are relevant to this commission:

- the fragmented approach to joint commissioning causing gaps in services;
- poor access to services for some vulnerable groups; in particular, to audiology, OT and speech and language therapy;
- limited opportunities for parental involvement when designing and commissioning services.

4.2 An action plan, formally identified as a Written Statement of Action, has been agreed and is being implemented through Brent Children's Trust, to address these areas of concern. A priority in this action plan was to jointly commission integrated paediatric therapy services (SLT, OT, PT) to ensure that therapy services are accessible to children and young people, including the most vulnerable groups and those in alternative educational settings.

4.3 Brent CCG and LNW have agreed a timetable for contract variation for paediatric therapies and taken steps to address any gaps in speech and language therapy provision:

- Brent CCG Service specifications have been revised to cover all CCG GP registered children for SLT irrespective of education setting (September 2017)

- Brent CCG commissioned services for health-related SLT (acute dysphagia, stammering, voice problems, and significant hearing loss) have been confirmed as accessible to all CCG registered children.
- Special school based speech and language therapy services have been aligned with Brent CCG contracted services.
- Brent Council and Brent CCG have reviewed paediatric therapies contracts, to ensure that gaps in delivery between the two agencies' contracts are removed.

4.4 The proposed Brent Council contract extensions will ensure a fully aligned paediatric therapy service with Brent CCG, including speech and language therapy, as a basis for the development of a fully integrated service by April 2019. Developing integrated therapy services jointly with Brent CCG is the aim from 2019 as it would best support a service that is tailored to the needs of Brent children that provides:

- seamless services and seamless transition – establishing consistent links between therapeutic services to support smooth transition with regard to age of child and level of need.
- effective access – service delivery in a variety of settings, including schools and early years settings
- a focus on prevention and early intervention – as part of a continuum of service delivery offering training, consultation and advice to staff in universal service settings to promote early identification, intervention and prevention.
- consistently responsive services with agreed response times – ensuring that an assessment of need takes place in a timely manner and that parents and referrers are kept informed of developments
- efficiency in delivery – reducing duplication and costs through streamlining the operational structure.

4.5 To allow time to progress the integration of the Council and the CCG's commissioning requirements, it is proposed that the Council's existing contracts are retained for one year, with varied specifications to resolve previous service gaps, through a direct award to existing providers. Officers have considered the option of competitively procuring one year contracts for existing speech and language therapy provision. However, this is not considered to be feasible as short term contracts would involve the TUPE transfer of staff and are not likely to be financially attractive to the specialised providers in the speech and language therapy market. Tendering would also lead to further service disruption and the risk that service gaps could re-emerge.

4.6 Approval from Cabinet to grant an exemption from the requirement to tender and approval to award a contract to Central and North West London NHS Foundation Trust for speech and language therapy in Children's Centres and to London North West Healthcare NHS Trust for speech and language therapy in mainstream schools from 1st April 2018 to 31st March 2019 will ensure that the existing Local Authority provision continues, aligned to Brent CCG commissioned services, while joint-commissioning and integrated delivery is progressed.

5.0 Financial Implications

- 5.1 The current speech and language therapy contract with Central and North West London NHS Foundation Trust has an annual value of £238,626. This contract is entirely funded by the General Fund. This service is currently forecasting to spend within budget.
- 5.2 The speech and language therapy contract with London North West NHS Foundation Trust has an annual value of £391,439. This contract is entirely funded by the Dedicated Schools Grant (DSG). An overall underspend is currently forecast in 2017-18 against DSG supported expenditure.
- 5.3 Direct award of the contracts is unlikely to realise any savings against procurement savings targets. The Children and Young People's directorate will need to identify alternative savings to achieve the target of 10% against each contract.

6.0 Legal Implications

- 6.1 Speech and Language Therapy services are classified as Schedule 3 Services under the Public Contracts Regulations 2015 (the "EU Regulations"). The estimated value over the lifetime of the proposed contracts as detailed in the Recommendations are £238,626 for Children's Centre provision and £391,439 for Mainstream School provision and consequently both are below the threshold for full application of the EU Regulations.
- 6.2 The proposed contracts are both classified as Medium Value Contracts under the Council's Contract Standing Orders and Financial Regulations and should thus be procured through a competitive tender exercise. As detailed in Sections 3 and 4, officers have indicated that there are considered to be good operational and financial reasons not to tender the contract but instead award to the providers identified in Recommendations 2.2 and 2.3. In the circumstances, an exemption from the requirement to tender in accordance with Contracts Standing Orders and Financial Regulations is sought. Cabinet is permitted to grant such an exemption pursuant to CSO 84(a) if it considers that there are good operational and/or financial reasons.

7.0 Equality Implications

- 7.1 Under Section 149 of the Equality Act 2010, the Council has a duty when exercising its public functions to have 'due regard' to the need to eliminate discrimination and other conduct prohibited under the Act; advance equality of opportunity, and foster good relations between those who share a "protected characteristic" and those who do not. This duty is known as the public sector equality duty (PSED). The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. All providers that are commissioned to deliver public services on behalf of or in partnership with Brent Council are required to comply with the PSED and the Council's Equality and Diversity policies.

- 7.2 Access to services was a criticism in the Ofsted Inspection report for some vulnerable groups with complex SEND 0-25 and those in education settings, including Looked After Children, children and young people in the Pupil Referral Unit or known to the Youth Offending Service, and those home educated. The specifications for these contracts have been revised to address these access issues.

8.0 Consultation with Ward Members and Stakeholders

- 8.1 As this report affects all wards, consultation with specific ward members has not been conducted.
- 8.2 Parent/Carers have been involved in the revision of service specifications through Parent/Carer representation on the Children's Trust workstream developing specifications, through the Brent Parent/Carer Forum, Brent Health Partners Forum and Healthwatch. Targeted consultation dates have also been arranged with special schools. Engagement in joint commissioning will continue with the Parent/Carer Forum consulted on commissioning priorities for 2018/19 and the involvement of parents/carers in contract monitoring through the Children's Trust.

9.0 Human Resources/Property Implications (if appropriate)

- 9.1 There are no direct staffing or accommodation implications for the Council arising from the Recommendations.

Report sign off:

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Strategic Director of Children and Young People