

	<p align="center">Officer Key Decision 14 April 2022</p>
	<p align="center">Report to Strategic Director Children and Young People</p>
<p>AUTHORITY TO VARY AND EXTEND THE CONTRACT FOR THE PROVISION OF SPEECH AND LANGUAGE THERAPY FOR CHILDREN AND YOUNG PEOPLE IN MAINSTREAM SCHOOLS, FAMILY WELLBEING CENTRES AND LINKED EARLY YEARS SETTINGS</p>	

Wards Affected:	All
Key or Non-Key Decision:	Key Decision
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	None
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	<p>Shirley Parks Head of Forward Planning, Performance and Partnerships shirley.parks@brent.gov.uk 0208 937 4529</p> <p>Nigel Chapman Operational Director, Integration & Improved Outcomes, Children and Young People: nigel.chapman@brent.gov.uk</p>

1.0 Purpose of the Report

- 1.1 This report requests approval from the Strategic Director to vary and extend the current contract for the provision of speech and language therapy services for children and young people in mainstream schools, Family Wellbeing

Centres and linked early years settings with Central London Community Healthcare Trust (CLCH) as required by Contract Standing Order 112.

2.0 Recommendation(s)

That the Strategic Director, Children and Young People, in line with delegated powers (as detailed in 5.3 and 5.4):

- 2.1 Approves the extension to the contract for the provision of speech and language therapy services for children and young people in mainstream schools, Family Wellbeing Centres and linked early years settings with Central London Community Healthcare Trust for a period of 12 months from 1 September 2022 by exercising the option to extend the contract provided for under the Contract Terms.
- 2.2 Approves a variation to the contract referred to in Recommendation 2.1 to increase the core service sessions due to increased demand resulting in an increase in the original total contract value of £3,835,707 by the sum of £112,681.26.

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).
- 3.2 The Council currently has a contract for the provision of the education element of speech and language therapy for pupils with a Brent EHCP in mainstream schools in and out of the borough and support for the Speech and Language Communication needs of children and families accessing Family Wellbeing Centres and linked early years settings.
- 3.3 The initial contract period was from 1 April 2019 to 31 March 2021, with an option to extend for up to a further 3 years. In January 2021, the Strategic Director approved an extension from 1 April 2021 to 31 March 2022 and in December 2021 the Strategic Director approved a further extension to the contract with Central London Community Health Trust (CLCH) to 31 August 2022. It was anticipated that during this time joint delivery options would be pursued for all speech and language therapy, occupation therapy and physiotherapy with NWL CCG, after NWL CCG had completed a full service review following the transfer of all community services to CLCH in August 2021.
- 3.4 As the review is still being undertaken, officers recommend exercising the option to vary and extend the current contract to ensure continuity of service. It is proposed to extend the contract for a further 12 month period from 1 September 2022 to 31 August 2023. This would allow time to progress discussions with the NWL CCG and for alternative delivery models to also be

considered with Public Health and Special Schools. Extending the contract to the end of August 2023 will allow a new commissioning approach to be implemented at the beginning of the academic year 2023/2024.

- 3.5 The contracted service delivers an equitable and inclusive speech and language therapy service for children and young people with Special Educational Needs and Disabilities (SEND) with an EHCP and support for children aged 0 to 5 and their parents attending Brent Family Wellbeing Centres and linked early years settings.
- 3.6 The contracted service adheres to all aspects of the SEND Code of Practice 2015 (updated October 2020). The Service supports delivery of the priorities identified in the SEND strategy 2021 – 2025:
- Education, employment and training
 - To live a healthy lifestyle
 - To be fully active citizens of Brent.
 - To live independently
 - My Brent - The voice of young people to be heard in shaping the Brent of the future.
- 3.7 Demand for speech and language therapy services provided by Brent Council is high. The number of children and young people with an EHCP in Brent is continuing to rise. The total number of children and young people with an EHCP has risen from 2076 in 2018 to 2784 in 2021, reflecting an annual growth rate of 8.4% (SEN2). The three key needs which may require speech and language therapy within mainstream schools settings are Autistic Spectrum Disorder (ASD), Speech and Language Communication Needs (SLCN) and Hearing Impairment (HI). In 2018 there were 498 children with these identified needs in their EHCPs and 709 in 2021, an increase of 42% (SEN2).
- 3.8 At the end of Quarter 3 2021/22 (December 2021), 526 pupils were receiving speech and language therapy in mainstream schools or Further Education settings, 413 of whom were in primary schools and 78 of whom were in secondary schools or Further Education colleges, of which 32 are in out of borough provision. Quarter 3 2021/22 saw a decrease of 67 children and young people receiving speech and language therapy from Quarter 2. Through Family Wellbeing Centres and linked early years settings, in Quarter 3 2021/22, the service supported the running of 67 Let's Talk Groups, with 364 attendees at the sessions, through early identification of children with SLCN 59 children were referred to SLT Team for individual support and the service offered a total 370 appointments. Attendance was lower than in Quarter 2 when it totalled 419.
- 3.9 The estimated total value of the Contract is £3,835,707 over 5 years (a 2 year contract with the option to extend by up to 3 years). The contract value in Year 1 (2019/20) was £709,253.98, of which £470,627.98 was Dedicated Schools Grant (DSG) and £238,626 was from the General Fund. In Year 2

(2020/21) the contract value was £799,675.96 of which £561,049.96 was DSG and £238,626 was from the General Fund. In Year 3 2021/22 the cost is £951,323.13, inclusive of the approved variation applied in September 2021 (£83,451.67), of which £712,697 is DSG with an additional £238,626 allocated to meet increased demand.

3.10 The cost of the agreed 5 month extension to end of August 2022 was £433,858.32, funded by £334,429.57 DSG and £99,428 from the General Fund. The cost of the 12 months extension from 1 September 2022 to 31 August 2023 is estimated at £1,054,277 funded by £815,650.07 DSG and £238,626 from the General Fund. This would bring the total cost of the Contract over Years 1-5 to £3,948,388.26. The contract value has increased in line with demand.

3.11 A review is currently underway to assess the need of every child with a Brent EHCP where speech and language therapy is identified to confirm that speech and language therapy is required to meet identified outcomes or if other approaches linked to quality first teaching and the graduated response could be provided. Development work is also being carried out with NWL CCG and Brent Public Health to review services to support school readiness and child development for under 5s. It is anticipated that this work will be completed by December 2022. The 12 month extension of the current contract will provide officers sufficient time to use the outcomes of this work to determine future requirements and delivery options and to commission services.

3.12 The variation and 12 month extension would:

- Provide sufficient time for officers to review current practice and service structures to inform the future structure of service delivery
- Provide continuity of SLT for pupils in mainstream schools and for families accessing support through the Family Wellbeing Centres and linked early years settings. CLCH is delivering a good service and staff have established good links with schools.
- Ensure the LA continues to fulfil its statutory duties.

4.0 Financial Implications

4.1 The estimated contract value for year 4 commencing 1 September 2022 is £1.054m. The current annual funding available is £0.952m made up of funding from the DSG High Needs Block of £0.713m and £0.239m from the General Fund (Early Help). The current funding level is insufficient to cover the estimated contract value and will lead to a shortfall of £0.113m. Increased levels of demand for SLT services due to the rise in EHCPs has contributed to pressures against the DSG budget and has formed part of the overall DSG deficit.

5.0 Legal Implications

- 5.1 Officers recommend the extension and variation of the contract for speech and language therapy services for children and young people in mainstream schools and other settings with Central London Community Healthcare Trust for a period of 12 months.
- 5.2 The value of the original contract is such that it is subject to full application of the Public Contract Regulation 2015 (PCR 2015).
- 5.3 The contract contains express provision allowing for the extension as set out in Recommendation 2.1 and as such, extension is permitted in accordance with the PCR 2015.
- 5.4 Recommendation 2.2 is to agree a variation of the contract to increase the core service sessions due to increased demand resulting in an increase in the original total contract value of £3,835,707 by the sum of £112,681.26. Regulation 72 of PCR 2015 provides that variations to existing contracts are permitted without commencing a new procurement in certain circumstances. Regulation 72(f) provides that contracts may be varied where the value of the variation is below both the relevant procurement threshold and 10% of the initial contract value for service. As the value of the variation as mentioned in Recommendation 2.2 of this report and the total value of any previous variations will be below 10%, the variation will be permitted under the PCR 2015.
- 5.5 Under section 3(b) of the table at paragraph 9.5 of Part 3 of the Constitution, Chief Officers are able to vary and extend contracts and agreements without the need for Cabinet approval, provided that:
- (a) the extension or variation, would not be in breach of the Procurement Legislation.
 - (b) the extension or variation does not substantially alter the terms and conditions of the contract.
 - (c) there is sufficient existing budgetary provision.
 - (d) provided that in the case of any variation (other than an extension):
 - (i) the total value of the variation is less than £1 million; and
 - (ii) if the total value of the variation is more than £50k it is not more than 50% of the original contract value (calculated over the life of the contract including any extensions or possible extensions and adjusted in accordance with any price review mechanism provided for in the contract).

(e) if the extension goes beyond the period of extension provided for in the contract (if any) or is otherwise not in accordance with the extension provisions in the contract:

- (i) in the case of any contract, agreement, deed or other transaction with a life of not more than one year (including any possible extension provided for in the contract) the extension shall not exceed a period of six months; or
- (ii) in the case of any contract, agreement, deed or other transaction with a life of more than one year (including any possible extension provided for in the contract) the extension shall not exceed a period of one year.

(f) the relevant cabinet member shall be consulted prior to a decision within (d) (i) or (ii) or (e) (i) or (ii) above and may request that the decision instead be referred to them.

5.6 The proposed extension as detailed in Recommendation 2.1 is provided for in the contract and as such it is considered that none of the limitation detailed in paragraph 5.5 would preclude the Strategic Director exercising delegated powers to extend the contract.

5.7 Subject to consultation with the relevant cabinet member and them not requesting that the decision instead be referred to them, it is considered that the Strategic Director has delegated authority to agree the variation detailed in Recommendation 2.2 as the value is such it would not breach Procurement Legislation for the reasons set out in paragraph 5.4. The increase in core service sessions increasing the price by £112,681.26 would not substantially alter the terms and conditions of the contract. There is sufficient existing budgetary provision as detailed in paragraph 4.0 Finally, the variation is within the thresholds set out in (d)(i) and (ii).

6.0 Equality Implications

6.1 It is considered that there have been no changes in equality implications of the proposals set out in this report since the beginning of the contract and that there is no disproportionate effect on any particular protected characteristic group and no adverse equalities implications.

7.0 Consultation with Ward Members and Stakeholders

7.1 The Lead Member for Children's Safeguarding, Early Help and Social Care has been consulted and supports the approach set out in this report.

8.0 Human Resources Implications

8.1 The service is provided by one external provider and therefore there are no implications for Council staff arising from extending and varying the contract.

NIGEL CHAPMAN

Operational Director, Integration & Improved Outcomes,
Children and Young People

Related Documents:

Contract Award Report and Equalities Impact Assessment