

	<b>Officer Key Decision</b>
	<b>Report to the Corporate Director of Children, Young People and Communities Development</b>
	<b>Lead Cabinet Member for Children, Young People and Schools</b>
<b>AUTHORITY TO AWARD A CONTRACT FOR PROVISION OF OCCUPATIONAL THERAPY FOR PUPILS IN MAINSTREAM BRENT SCHOOLS</b>	

<b>Wards Affected:</b>	ALL
<b>Key or Non-Key Decision:</b>	Key Decision
<b>Open or Part/Fully Exempt:</b> (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Part Exempt – Appendix 1 is exempt as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: “Information relating to the financial or business affairs of any particular person (including the authority holding that information)”
<b>No. of Appendices:</b>	Appendix 1 – Social Value Commitments Appendix 2 - Equality Impact Assessment
<b>Background Papers:</b>	None
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## 1.0 Executive Summary

- 1.1 This report concerns the procurement of a contract for the provision of Occupational Therapy (OT) for pupils in mainstream Brent schools pursuant to the Provider Selection

Regime. This report requests authority to award contracts as required by Contract Standing Order 88. This report summaries the process undertaken in tendering this contract and the recommendation to whom the contract should be awarded.

## **2.0 Recommendation(s)**

That the Corporate Director of Children, Young People and Community Development in consultation with the Cabinet Member for Children, Young People and Schools:

- (a) Approves the direct award of the contract for the provision of Occupational Therapy (OT) for pupils in mainstream Brent schools (the “Contract”) following the Provider Selection Regime (PSR) process C for an initial period of 17 months from 1 September 2025 to 31 January 2027 in the sum of £891,111 (exclusive of VAT) to Central London Community Healthcare Trust NHS (CLCH).

## **3.0 Detail**

### **Contribution to Borough Plan Priorities & Strategic Context**

- 3.1.1 Officers consider that the recommendation to award this Contract will contribute to the Borough Plan Priority ‘the Best Start in Life’ by ensuring that children and young people have the right support available to them for their development.
- 3.1.2 Officers are also of the view that the recommendation will contribute to the delivery of the SEND Strategy 2021-2025, specifically the commitment to ensure that all children and their families have access to a range of support and opportunities available to them in order to improve their life chances and realise their aspirations by ensuring early intervention at all ages. The services adhere 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

## **3.2 Background**

- 3.2.1 The Council is required to secure the provision of Occupational Therapy (OT) for Brent pupils in mainstream schools who have OT specified in Section F of their Education Health Care Plan (EHCP). The Council currently has an existing contract in place provided by Central London Community Healthcare NHS Trust (“CLCH”) which delivers occupational Therapy (OT) for pupils with a Brent EHCP in mainstream schools in Brent. The current contract was entered into on 1 September 2023 for a period of one (1) year and seven (7) months. The contract was varied and extended for a period of five (5) months from 1 April 2025 and is due to expire on 31 August 2025. Officers are therefore seeking to put in place contractual arrangements to ensure a continuation of service when the existing contract expires.

3.2.2 Section 26 of the Children and Families Act 2014 places a duty on local authorities to implement joint commissioning arrangements with health partners to deliver support in the Education, Health and Care Plans (EHCP) of children and young people with Special Education and/or Disabilities (SEND).

3.2.3 The service ensures the Council meets its statutory responsibility to provide the level of care specified in Section F of a child's EHCP with regards to OT and an equitable service across all Key Stages taking into account the needs of children and young people requiring the service. The service is expected to achieve the following outcomes:

- a) An improvement in the educational attainment and ability to participate in the curriculum of children and young people with OT needs listed in Section F of their EHCP.
- b) Children and young people who are aware of and, where possible, able to independently use strategies to support their therapeutic difficulties in everyday situations.
- c) Children and families receiving a seamless service when transferring between primary, secondary and post-16, and are aware of the on-going support available.

The service is also expected to contribute towards achieving the following outcomes:

- a) The rate of improvement and progress for any under achieving groups is accelerated.
- b) All children and young people with SEND are able to access the same wide educational opportunities and life chances as others.

3.2.4 Brent has 42,593 children and young people of statutory school age and the under 5 population in education settings is 5,603. In Brent schools the highest number of pupils with SEN have Speech Language and Communication Needs (31.3%) followed by SEMH (Social, Emotional and Mental Health) (17.6%) and autism spectrum disorder (17.2%).

3.2.5 The largest ethnic groups of statutory school age are: Asian Indian (18.8%), Any Other White Background (15.6%), Any Other Ethnic Group (14.4%), Black African (11.4%) and White British (9.4%). A very high proportion of pupils have English as an Additional Language (65.0%). The largest spoken first languages other than English are: Arabic (9.9%), Gujarati (8.9%), Somali (5.0%), Romanian (4.9%) and Urdu (2.7%).

3.2.6 In Brent 16.7% of pupils have SEND compared to 11.9% in London and 18.0% nationally. The decline in numbers of pupils on SEN Support to 13.3% nationally is also reflected in Brent at 11.8%.

3.2.7 As at end of March 2025 (24-25: Quarter 4 January to March 2025) there were 240 Children and Young People accessing Occupational Therapy within 65 mainstream schools, who have a finalised EHCP with stated Occupational Therapy provision. This is currently 20 children and young people below the existing contract cap of 260 children and young people. Between January and March 2025, 47 children and young people were waiting for EHCP OT provision and the service provided 52 annual review reports. There are currently 70 children and young people receiving OT provision through other providers on a spot purchase basis; these packages will be absorbed in to the new contract.

- 3.2.8 Occupational Therapy Services for Children and Young People in Brent uses the person-centred Person/Environment/Occupation (PEO) model. It considers how person, environment and occupation interact and how we can use this to improve your health. The model involves 3 components:

**'Person'** is all about you - your skills, your strengths, and your needs. For example, you may be good at balancing but not so good at using your hands to guide a bike in the right direction.

**'Environment'** is everything around you - like the weather, the people you're with, and the things you interact with. For example, on a sunny day you might go to the park with family so they can help guide you on your bike.

**'Occupation'** is what you're doing - like playing a game, drawing a picture, or riding your bike to school.

- 3.3 The Contract will continue to provide occupational therapists in order to ensure the Council's statutory duty is met for the identified needs specified in Section F of EHCPs. The Service will deliver an equitable Occupational Therapy Service to 0-25 children and young people with EHC Plans maintained by Brent, attending early years settings, mainstream schools (including ARPs) and PRUs in Brent. In addition, where applicable, some young people attending further educational facilities including colleges and all Brent children attending settings up to 12 miles radius from the Civic Centre will be covered by the contract. The Service will work with schools and settings to deliver a range of occupational therapy interventions based on the treatments set out in Section F of the child's EHCP. These are likely to be children at Targeted 2 and Specialist levels. The service will contribute to the statutory annual review.
- 3.4 Officers are recommending the award of the Contract award under the Provider Selection Regime for the provision of occupational therapy with Central London Community Healthcare Trust NHS from 1 September 2025 to 31<sup>st</sup> January 2027 in the sum of £891,111 (exclusive of VAT) for the following reasons:
- The current contract for the provision of Occupational therapy is expiring on 31st August 2025.
  - The provision of occupational therapy is statutory and therefore the provisions of the Contract will help the Council to comply with its statutory duties for needs specified in Section F of a child education Health Care Plan (EHCP). CLCH has developed positive links with CYP CD Directorate and has a positive working relationship with schools in Brent. The award of this Contract will support continuation of quality services that are in the best interest for the children and young people.
  - There is added value in this service being delivered by CLCH as it is aligned with their delivery of Brent's community Speech and Language Therapy services enabling strategic alignment of services and joint working to support children and families. This will ensure that children and young people and families have access to a seamless service.
- 3.5 The Contract will provide Occupational Therapy support for 260 to 400 for children and young people over the life of this 17-month Contract. Activity numbers will steadily increase up to 400 cap from December 2025 once CLCH is able recruit and mobilise new staff.

- 3.6 The Provider Selection Regime (“PSR”) came into effect 1st January 2024. The PSR governs the procurement of health care services in England by bodies including NHS England, ICBs, NHS Trusts and local authorities. The provision of Occupational Therapy is therefore in scope. The PSR removes the requirement to competitively tender and provides an alternative framework to allow collaboration.
- 3.7 Council officers are of the view the existing contractor is satisfying the existing contract and will likely satisfy the proposed Contract to a sufficient standard in accordance with relevant key evaluation criteria and therefore recommend the award of the Contract for provision of Occupational Therapy (OT) for Brent pupils in mainstream schools with an EHCP to CLCH.

#### 4.0 Award Considerations

- 4.1 The Council, a relevant authority under the Health Care Services (Provider Selection Regime) Regulations 2023 (‘PSR’), must follow the appropriate procurement process as determined by the PSR when procuring relevant health care services.
- 4.2 The PSR mandate using the following processes: a direct award process—which is subdivided into three forms of direct award (A, B, and C); the most suitable provider process; and competitive process.
- 4.3 Officers have identified direct award process C as the most suitable process to procure the Contract for the provision of Occupational Therapy (OT) for pupils in mainstream Brent schools and have addressed its requirement as follows:

Ref.	Requirement	Response
(i)	Description of the relevant health care services to which the contract relates, including the most relevant CPV (Common Procurement Vocabulary) code(s) – PSR Schedule 1	85100000-0 - Health services
(ii)	Are you also procuring other goods or services along with the relevant health services as described above (mixed procurement)?	No
(iii)	The value.	£891,111 (exclusive of VAT)
(iv)	The Contract term.	17 months from 1 <sup>st</sup> September 2025 to 31 <sup>st</sup> January 2027.
(v)	The procurement process adopted.	Provider Selection Regime Route C Direct Award.
vi	Are you required to use direct award processes: A (one capable supplier) or B (patient choice) under the PSR?	No

Ref.	Requirement	Response	
vii	Did you consider the Most Suitable Provider or Competitive Processes? Why neither of those processes have been recommended for this procurement?	<p>Officers are satisfied that the existing provider is meeting the current contractual arrangement.</p> <p>Officers believes the existing provider will continue to meet the requirements of the contract and therefore did not seek a competitive process.</p>	
viii	Are the proposed contract arrangements changing considerably from the existing contract?	<p>No, Officers have determined the considerable change threshold has not been met.</p> <p>The changes in the relevant care services to which the proposed contracting arrangements related (compared with the existing contracts) are attributable to a decision of the Council; however, the decision had to be made due to external factors because of higher volume of service user volumes which is beyond the control of the relevant authority or the provider.</p> <p>The proposed contracting arrangements are not materially different in character to the existing contract when that existing contract was entered into.</p>	
ix	Is the existing provider (CLCH) satisfying the existing contract to a sufficient standard and is likely to be able to satisfy the new contract to a sufficient standard?	Yes, see (xi)	
x	The procurement timetable.	<b>Stage in Procurement</b>	<b>Indicative dates</b>
		Publication of notice of intention to make an award to existing provider	01/08/2025
		Publish Intention to Award Notice on Find a Tender	03/08/2025 – 25/08/2025
		Standstill period (8 working days)	04/08/2025 – 14/08/2025
		Publish Confirmation of Award Notice on Find a Tender	15/08/2025
		Contract start date	01/09/2025
(xi)	The evaluation criteria and process.	<p>Key criteria as follows:</p> <p>Quality and innovation 30%</p> <ul style="list-style-type: none"> <li>• Provider will be able to satisfy the new contract to a sufficient standard.</li> <li>• The service supports the Council to fulfil its statutory duties through the delivery of the services within this contract. The service will be resourced and recruited to meet the</li> </ul>	

Ref.	Requirement	Response
		<p>projected increase and growth annually and the full scope of the service specification.</p> <p>Value 30%</p> <ul style="list-style-type: none"> <li>• Provider will be able to satisfy the new contract to a sufficient standard.</li> <li>• The provider has actively engaged in reviewing gaps in provision with key partners. The new specification is also being written in collaboration to understand how the value of the service can be maximised and resourcing can support the new model of delivery.</li> </ul> <p>Integration, collaboration and service sustainability 25%</p> <ul style="list-style-type: none"> <li>• Provider will be able to satisfy the new contract to a sufficient standard.</li> <li>• The service is currently meeting the Borough based plan, and the new service specification and contract outlines opportunities for the provider to do this again. For example, CLCH sits on the steering group for the Start for Life programme.</li> </ul> <p>Improving access, reducing health inequalities and facilitating choice 5%</p> <ul style="list-style-type: none"> <li>• Provider will be able to satisfy the new contract to a sufficient standard.</li> <li>• The new service delivers an equitable and inclusive Occupational Therapy Service (OT) to children and young people aged from 4 to 25 years with an Education Health Care Plan. The service covers Occupational Therapy children and young people aged from 0 to 25 years with an Education Health Care Plan, where OT has been identified as a need in section F, within linked early years settings, mainstream schools and ARPs (both in and out borough) and, where applicable, some young people attending further educational facilities including colleges. The service will absorb additional activity currently provided by independent contractors.</li> <li>• The service delivers training to staff in schools to support implementation of the programme.</li> </ul> <p>Social value 10%:</p> <p>The provider has committed to offering social value, see Appendix 1 – Social Value Commitment:</p>

Ref.	Requirement	Response
xii	Information as to how any conflicts or potential conflicts of interest have been managed	No conflicts of interest were declared.
xiii	Procurement Principles - briefly explain how this procurement has been made with a view to: <ul style="list-style-type: none"> <li>◦secure the needs of the people who use the services</li> <li>◦improve the quality of the services, and</li> <li>◦improve efficiency in the provision of the services</li> </ul> And carried out transparently, fairly and proportionately	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).  The Council have undertaken a thorough assessment of the provider's capabilities against the key criteria and have determined a competitive procurement exercise was not required because the provider is likely to satisfy the original contract and will likely satisfy the proposed contract to a sufficient standard.
(xiv)	Any business risks associated with entering the contract.	No specific business risks are considered to be associated with entering into the Contract.
(xv)	The Council's Best Value duties.	It is considered that by adopting the procedure detailed in Section (iv) above, award will result in the Council achieving best value.
(xvi)	Consideration of Public Services (Social Value) Act 2012	The outcome of the Contract is designed to benefit those living in Brent.
(xvii)	Any staffing implications, including TUPE and pensions.	There are no implications for Council staff arising from the procurement.
(xviii)	The relevant financial, legal and other considerations.	Financial – See Financial Considerations section 6 below.
		Legal – See Legal Considerations section 7 below.
		Other – N/A
(xix)	Sustainability	Given the nature and value of the Contract, it is not possible to include specific sustainability requirements.
(xx)	Key Performance Indicators / Outcomes	Key Performance Indicators / Outcomes from the current contract remain in place and will be included in the Contract.
(xxi)	Policy requirements including the National Procurement Policy Statement; prompt payment; London Living Wage;	The Contract is being procured under the Provider Selection Regime.



Ref.	Requirement	Response
	modern slavery; and carbon reduction	
(xxii)	Sharing information to allow understanding of the Council's procurement policies and decisions	All relevant policies and information were shared with the potential supplier during the procurement process.
(xxiii)	Steps undertaken to remove or reduce barriers for SME participation in the procurement	It is considered that the procurement process recommended is appropriate Services required and upholds the principles of equal treatment, transparency, and non-discrimination.
(xxiv)	Contract Management	A contract manager will be appointed and appropriate contract management provisions will be included in the Contract.

## 5.0 Stakeholder and ward member consultation and engagement

- 5.1 Consultation has taken place with a range of internal and external stakeholders to inform future delivery. Parent carers, schools and early years' settings were consulted with at the start of the review (October 2023), a meeting was also held with Parent Carer Forum to discuss the changes in November 2023. Respondents were overall positive about improving access to therapies. Updates on the progress of the review have been taken to the Delivering Better Value Board and Schools Forum.

## 6.0 Financial Considerations

- 6.1 The current OT contract is funded through the High Needs Block of the Dedicated Schools Grant, with a budget allocation of £331,000 for the 2025/26 financial year.
- 6.2 The projected cost of delivering OT services during 2025/26, incorporating this proposed contract totals £504,732, excluding the additional cost of spot purchasing, which is estimated at approximately £69,506 for the period from April to December 2025. As seen from the table below, it will result in an overspend of £243,238 in 2025/26 and £240,075 in 2026/27.

Contract start date	Contract end date	Value	Months	FY 2024/25	FY 2025/26	FY 2026/27
01/09/2023	31/03/2025	£420,888	19	£265,824		
01/04/2025	31/08/2025	£137,804	5		£137,804	
01/09/2025	31/01/2027	£891,111	17		£366,928	£524,183
		CHCL NHS Trust		£265,824	£504,732	£524,183
		Add: Spot purchasing from the OT Practice		£82,187	£69,506	
		Less: OT budget		-£270,000	-£331,000	-£284,108
		<b>Total overspend</b>		<b>£78,011</b>	<b>£243,238</b>	<b>£240,075</b>

- 6.3 The projections include spot purchasing only for the period April 2025 to December 2025. If the 400-cap limit proves insufficient from January 2026 onwards, further spot

purchasing will be required. This would place additional pressure on the High Needs budget.

- 6.4 Given the substantial 90% increase in the OT contract cost for 2025/26 compared to last year, it is recommended that the contract be re-tendered for a new contract to commence in February 2027 to assess whether alternative providers in the market can deliver the required service more cost-effectively. The current cost increase is driven by multiple factors such as higher staffing needs, NHS pay awards, and rising corporate overhead costs, without having tested the market to determine if more competitive options are available. Re-tendering would ensure transparency, test value for money, and confirm whether the current provider remains the most suitable option under revised service demands. This process should also consider continuity of care and transition risks to ensure service quality is maintained.

## **7.0 Legal Considerations**

- 7.1 Officers are recommending the award of the Contract to the existing provider CLCH without competition by following the Provider Selection Regime's direct award process C which was introduced by the Health Care Services (Provider Selection Regime) Regulations 2023 ('PSR') which came into force on 1 January 2024 for defined health care services; and National Health Service (Procurement, Patient Choice and Competition) Regulations 2013. The PSR applies for defined health care services and for this reason the Procurement Act 2023 would not be applicable to the procurement of this Contract.
- 7.2 The Council as a defined Relevant Authority under the PSR, is required to apply the PSR for the purposes of procuring relevant health care services. Relevant health services are a statutory defined term under the regulations (Schedule 1). Officers in the table at section 4 have identified the provision of Occupational Therapy (OT) for pupils in mainstream Brent schools as relevant health care services subject to the PSR.
- 7.3 The PSR regime has no minimum financial threshold for its application. However, it mandates the Council to follow one of the processes under the PSR and comply with the procurement principles which require the Council to make decisions in the best interests of the services' users.
- 7.4 Officers have identified direct award process C as the most appropriate process to award the Contract to the incumbent provider on the basis that the Council is not required to follow direct award processes A or B, the term of the current contract is due to expire on 31 August 2025, and Officers propose the new Contract to replace it. In the table at section 4, above, Officers have explained that the "considerable change" threshold is not met and that after applying key criteria and basic selection criteria their view is that the existing provider is satisfying the existing contract and will likely satisfy the proposed Contract to a sufficient standard.
- 7.5 Furthermore, Officers have also explained the steps taken in order to procure the Contract ensures compliance with the procurement principles and therefore, are now seeking authority to award the Contract to CLCH so a notice of intention to make an award to the existing provider can be published in Find a Tender containing the information set out in Schedule 3 of the PSR.

- 7.6 A contract procured using the direct award process C must not be entered before the end of the standstill period. The standstill period begins the day after the notice of intention to make award is published on Find a Tender and it must last for a minimum of eight working days. The standstill period is to give a service provider who is either aggrieved or believes that the PSR has not been complied with, the opportunity to make written representations to the Council particularising concerns before the contract is formalised. Such representations should be received before midnight on the eighth working day after the standstill period begins. Following the end of the standstill period, and providing that no written representations are made during the standstill period the relevant authority can enter into the contract.
- 7.7 Contract Standing Order 86f (iv) states that subject to complying with any relevant parts of Procurement Legislation, Tenders need not be invited, nor quotations sought for contracts for health care services procured in compliance with the Provider Selection Regime PROVIDED that advice is sought from the Director, Law and Head of Procurement.
- 7.8 The award is subject to the Council's own Standing Orders and Financial Regulations in respect of Medium Value Contracts given the procurement is valued at £890,111 (exclusive of VAT). The Corporate Director, Children, Young People and Communities Development has delegated powers in consultation with the Cabinet Member for Children, Young People and Schools to award Medium Value Contracts in accordance with paragraph 9.5 of Part 3 of the Constitution.
- 7.9 As the decision that is being sought here is a Key Decision, the decision may not be taken by the Corporate Director, Children, Young People and Communities Development unless this matter has been published on the Forward Plan. The Key Decision must be published on the Forward Plan (Paragraph 30 of the Access to information rules) and must be included on the Forward Plan not less than 28 days before the decision is to be made. (Paragraph 34 of the Access to Information Rules). The decision to award has been placed on the Forward Plan for the requisite 28 days.
- 7.10 There are no TUPE implications as the Contract is being awarded to the incumbent already delivering the service and no Council staff will be impacted by this decision.

## **8.0 Equity, Diversity & Inclusion (EDI) Considerations**

- 8.1 Pursuant to s149 Equality Act 2010 (the "Public Sector Equality Duty"), the Council must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it,
- 8.2 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.3 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need

to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.

8.4 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary.

8.5 The proposals in this report have been subject to screening and officers believe that there are no adverse equality implications.

8.6 The proposals in this report have been subject to screening and officers believe that there are no adverse health equality implications.

## **9.0 Climate Change and Environmental Considerations**

9.1 The proposals in this report have been subject to screening and officers believe that there are no adverse impacts on the Councils' environmental objectives and climate emergency strategy

## **10.0 Human Resources/Property Considerations (if appropriate)**

10.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from the award of the Contract to the incumbent provider.

10.2 There are no TUPE implications as the Contract is being awarded to the incumbent already delivering the service and no Council staff will be impacted by this decision.

10.3 Officers envisage that there are no property considerations arising from the award of the Contract.

## **11.0 Communication Considerations**

11.1 Given that the recommended award of the Contract is to the incumbent provider, it is not considered that the award of the Contract has any direct communication considerations.

### **Report sign off:**

Nigel Chapman  
Corporate Director, Children, Young People and Community Development