

To: EXECUTIVE MEMBER FOR CHILDREN, YOUNG PEOPLE & LEARNING  
26 JULY 2021

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## CONTRACT EXTENSION APPROVAL FOR SPEECH AND LANGUAGE THERAPY SERVICE

### 1 Purpose of Report

- 1.1 To seek approval to exercise the 1+1 year contract extension permitted within the current contract conditions for Children and Young People's Speech and Language Therapy Services. This will enable continued service development with the East Berkshire CCG and Berkshire Healthcare Foundation Trust at Place.
- 1.2 Speech and Language Therapy Services is required to meet the needs of Children and Young People with Special Educational Needs in line with the following Statutory Duties:
  - **Children's and Families Act 2014** – Joint commissioning arrangements for local authority and health commissioners, identification and assessment of children and young people with Special Education Needs (SEN) and disability, and completions of Education, Health and Care Plans (EHCPs).
  - **The SEND Code of Practice 2015** – Collaboration between education, health and social care services to provide support and providing high quality provision to meet the needs of children and young people with SEN.
  - **Equalities Act 2010** - Remove or minimise disadvantages, take steps to meet different needs, and encourage participation when it is disproportionately low.

### 2 Recommendations

- 2.1 For the Executive Member for Children, Young People & Learning to agree to exercise a 1+1 year contract extension effective from 3rd September 2021 to 2nd September 2023 with a total extension value of £460,000 which represents £230,000 per annum. The total spend for this contract is £1,150,000 (includes 1+1 year extension).

### 3 Reasons for Recommendation

- 3.1 The continuation of Speech and Language Therapy (SALT) Services is required to meet the needs of Children and Young People with Special Educational Needs in line with the following Statutory Duties detailed in 1.2.
- 3.2 BHFT contribute to the 20-week Education, Health and Care Plans (EHCP) Process by completing Statutory Assessments during weeks 6 -12 of the 20 week timeframe. The local authority has a duty to make sure that an EHC plan is prepared and then implemented which includes input from Health. 81% of Statutory Assessments undertaken by BHFT within the last 2 years that have been within the 6-week timeframe.
- 3.3 Bracknell Forest Council Early Years and SEN wish to maintain stability, continuity and agree that the 1+1 year extension period is their preferred route.

- 3.4 An extension will allow time to complete a Service Review, undertake further activity modelling and build on the learning from the Integrated Therapies Project to explore the development of a hybrid approach/model for Children and Young People's Integrated Therapy (CYPIT) at East Berkshire and Place (Bracknell Forest) in partnership with the East Berkshire CCG and BHFT.
- 3.5 The next year will be utilised as a mobilisation/transition year to allow any improvements or service developments identified during the Service Review to be embedded.
- 3.6 The current service is well established and operates effectively across many levels and there are no concerns about the quality of the service. Productive contract monitoring arrangements are in place between the council and provider.
- 3.7 There are national concerns around increasing demand for SALT following the pandemic. To avoid issues developing around waiting times, a move to a blended service model will support effective service delivery. Clarifications will be included as part of the contract extension around an ongoing blended delivery model for the remainder of the contract term. COVID-19 has highlighted the critical need for Berkshire Healthcare Foundation Trust (BHFT) to explore and deliver different service options including telephone and online consultations in addition to face to face contacts.

#### **4 Alternative Options Considered**

- 4.1 Retendering – a minimum of 9 months would be required to undertake a full procurement exercise with a potential 3-6 month period to transition from the existing provider to a new provider and mobilise new services.
- 4.2 Not triggering permitted extension – there would not be a service to meet our duties including completing Statutory Assessments in line with the 20-week EHCP Process, significantly impacting the outcomes of Bracknell Forest Children and Young People.

#### **5 Background**

##### Service Provision

- 5.1 The Speech and Language Therapy (SALT) service is delivered by Berkshire Healthcare Foundation Trust (BHFT) and provides Speech and Language Therapy Services for Bracknell Forest Children and Young People aged 0-25. BFC Funded services include:
- **Early Years Provision (0 – School Entry)** - Drop-in clinics hosted in BFC Children's Centres
  - **Mainstream Schools Provision (School Entry – 25 years)** - A Whole School Approach providing advice, strategies and training to education staff and carers across education settings
- 5.2 In addition, the CCG fund SALT services which include:

- **Early Years Provision (0 – School Entry)** - BHFT Early Communication Team and BHFT Complex Needs Team
- **Special Schools Provision** - A Whole School Approach at Kennel Lane School providing advice, strategies and training to education staff
- **Independent School Provision** - Providing advice and strategies to education staff in Independent Schools and one-off initial assessments

#### Service Development

- 5.3 Speech and Language Therapy is part of the Children and Young People's Integrated Therapy (CYPIT) offer alongside Paediatric Occupational Therapy and Physiotherapy. The CYPIT Offer is being reviewed across East Berkshire as part of the East Berkshire Children and Young People's Integrated Therapies Project to identify if there are opportunities for joint working and alignment across East Berkshire Local Authorities.

#### COVID-19 and new way of working

- 5.4 There has been limited impact in delivering statutory duties as BHFT have been able to quickly adapt to provide Speech and Language services through a blended delivery model throughout the pandemic. In addition to face to face contacts, telephone and online consultations developed during lockdown have continued to be used to deliver services where they best meet the clinical needs of the child or young person and/or where face to face contacts are not possible.

#### Monitoring

- 5.5 Bracknell Forest Council have been monitoring this service proactively during the past 12 months, this new monitoring approach enables us to have robust assurance around quality, impact and value for money around this high-value contract. Commissioning, Early Years and SEN undertake joint quarterly Contract Monitoring meetings with BHFT who submit quarterly monitoring returns to Bracknell Forest Council prior to meetings including data around Early Years, School Age and 16-25 Provision.

The data provides assurance and evidence around BHFT completion of Statutory Assessments within the 6-week target, Early Years contacts and current case load. Case studies and feedback from service users are also submitted annually to establish if outcomes have been met. BHFT have been fully engaged in the new contract monitoring approach and have provided positive feedback in relation to the monitoring led by Bracknell Forest Council.

Over a two-year period, there have been a small number of Statutory Assessments that have breached the target of 6 weeks, reasons for breaches include: children and young people not available for their assessments or administrative delay, therefore can be down to issues outside of BHFT's control. In 2020-21 there has been a notable decrease in requests to BHFT around assessments for EHCPs which is mainly attributed to the impact of COVID-19 and school closures. Bracknell Forest Council are working closely with Health and BHFT around an increased offer of training to education staff and other pastoral leads to further support the delivery of outcomes.

## Uplifts

- 5.6 There are no uplifts stipulated within the contract, however Bracknell Forest Council reserves the right to negotiate contract terms with the provider for the service delivery and/or pricing adjustments as they may relate to funding changes and/or service enhancements over the contract term.

## **6 Budget, Demand and Spend**

### Budget

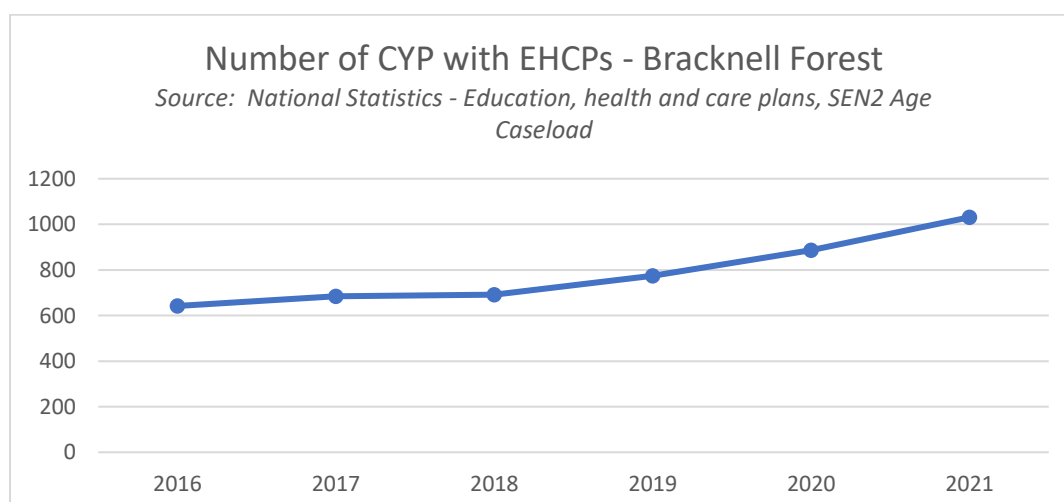
#### 6.1

<b>Bracknell Forest's SALT Contract</b>	
Initial 3 Year Contract Term	3 <sup>rd</sup> September 2018 – 2 <sup>nd</sup> September 2021
Annual Value	£230,000
Initial 3 Year Contract Value	£690,000
1+1 Year Permitted Extension Term	3 <sup>rd</sup> September 2021 – 2 <sup>nd</sup> September 2023
1+1 Year Contract Extension Value	£460,000
Total 5 Year Contract Value	£1,150,000

Speech and Language therapy is also funded by the East Berkshire CCG across East Berkshire via a Block Contract – CCG's indicative contributions match the amounts that the Local Authorities pay across East Berkshire.

### Number of Children and Young People with EHCPs and Primary Need

- 6.2 The number of Pupils with EHCPs or Statements in Bracknell Forest has been steadily increasing since 2018, with an increase of 339 (49%) pupils since 2018. Based on the previous year's data it is anticipated that there will be an increase in pupils with EHCPs in the following years as this trend continues. There may also be additional demand because of COVID-19.



- 6.3 Bracknell Forest have lower levels of demand across primary areas of need than other East Berkshire Local Authorities, especially in Speech, Language and Communication Needs. Despite the increase of EHCPs over the years, the level of demand for Speech, Language and Communication Needs, Learning Disability and Physical Disability for Bracknell Forest children and young people has remained stable over the years.

#### Early Years Usage Data

- 6.4 In 2019-20, there were a steady number of families attending the drop-in sessions at Children Centres, which averaged around 50 families attending sessions each quarter.

In 2020-21 the Early Years Provision for SALT changed significantly as a result of COVID-19. Support was provided via telephone and email to signpost and advise families with any concerns related to Speech and Language due to Children's Centres being closed. Quarter on quarter there has been an increase of email contacts to BHFT. Of those identified as needing further support, follow up was agreed in line with the overall Children and Young People's Integrated Therapies (CYPIT) business continuity and recovery planning, including online consultations and face to face clinic appointments at Great Hollands Health Centre where appropriate. Families with children 'at risk' in terms of safeguarding were considered holistically involving liaison with Health Visiting colleagues.

#### School Age Usage Data

- 6.5 The total number of school aged children on an individual/specialised caseload across Bracknell Forest remained stable throughout 2019-20, however there was an increase in 2020-21 Q2 which has identified a trend of this potentially increasing in the next year. There have been no concerns identified around waiting lists for the past the 2 years.

In 2020-21, contacts have been through a mixture of face to face in schools alongside telephone and online consultations. This blended approach has enabled the most appropriate support for any given child or young person to be offered and delivered at any time. This has also allowed for the benefits of increased contact with families to be maintained and further developed. The entire caseload is RAG rated to ensure that there is an understanding of the level of need and those children and young people with the highest needs have been prioritised. This is ongoing and dynamic to ensure that the provision continues to meet the changing needs of the children and young people on the caseload.

## **7 Consultation and Other Considerations**

### Legal Advice

- 7.1 Bracknell Forest Council undertook a Joint Procurement for Speech and Language services with Slough leading the procurement.

The value of this contract exceeds the threshold for "Light Touch Regime" contracts under the Public Contracts Regulations 2015 ("PCR 2015"), meaning that unless an exemption applies, then the PCR 2015 will be deemed to apply.

As has already been highlighted by the Procurement Team elsewhere in this Report, an extension of this nature would not be permitted under the PCR 2015 (if no exemption of the PCR were to apply) due to the value.

However, if the conditions of Regulation 12 (7) of the PCR 2015 can be satisfied then this procurement will be exempt from the PCR 2015. These conditions are that:

- (a) the contract establishes or implements a co-operation between the participating contracting authorities (which here would be the Council and BHFT) with the aim of ensuring that public services they have to perform are provided with a view to achieving objectives they have in common;
- (b) the implementation of that co-operation is governed solely by considerations relating to the public interest; and
- (c) the participating contracting authorities perform on the open market less than 20% of the activities concerned by the co-operation

Legal are of the view that the conditions above are likely to be satisfied based on case law (Case C-429/19 Remondis GmbH v Abfallzweckverband Rhein-Mosel-Eifel) which is broadly applicable to this procurement.

On balance, in view of the likelihood of the Council being able to rely on Regulation 12 (7), legal are content to endorse the recommendations of this report.

#### Financial Advice

##### 7.2 Director of Resources: Finance

The Director of Finance: Resources is satisfied that no significant financial implications arise from the proposed extension.

#### Other Consultation Responses

##### 7.3 Procurement Advice

The estimated contract value was £300,000 to £450,000 (for both authorities) as per the advertisements placed by Slough Borough Council in 2018. This figure has already been exceeded thereby increasing the risk of challenge. From a Procurement perspective it makes sense to make use of the available contract extension if the risk is acceptable to the department.

#### Equalities Impact Assessment

##### 7.4 Not applicable for a contract extension.

#### Strategic Risk Management Issues

##### 7.5 The service has had a significant reduction in requests for EHCPs in 2020-21, which may result in increased requests for plans as schools return to normal during 2021-22. The service has also seen an increase in individual/specialised caseloads with increased contacts as schools return to normal. A move to a blended service model will support effective service delivery and avoid issues developing around waiting times.

- 7.6 There are some national concerns around demand for speech and language support increasing for children and young people because of the pandemic. Health are working closely with BFC around an increased offer of training to education staff and other pastoral leads. This will include advice for making referrals to local commissioned service and support strategies. Essentially this proposal is to support rethinking behaviours, reduction in exclusions or young people disengaging from school. There is confidence that for the remainder of the contract term we can continue to work with the provider to manage demand.

#### Climate Change Implications

- 7.7 The recommendations in Section 2 above are expected to:

Have no impact on emissions of CO<sub>2</sub>.

The reason the Council believes that this will have no impact on emissions is that most therapeutic support is delivered to children and young people in their current education setting often by school staff.

#### Contact for further information

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