

To: **Executive**
19th September 2023

Approval of the Strategic Procurement Plan for Integrated Therapies Service and associated contract extensions

Executive Director of People

1 Purpose of Report

- 1.1 To seek Executive approval for the procurement of an Integrated Therapies Service, to include Occupational Therapy (OT) and Speech and Language Therapy (SALT) for a 7-year contract term. The procurement will be a joint commissioning project with NHS Frimley Integrated Care Board (ICB), the Royal Borough of Windsor and Maidenhead (RBWM) and Slough Borough Council.
- 1.2 The Integrated Therapies Service will be procured with NHS Frimley ICB as the lead commissioner, through issuing a Prior Information Notice (PIN) for soft market testing prior to a full Contract Notice.
- 1.3 To seek Executive approval to extend the current OT and SALT contracts for up to 2 years to allow procurement to take place.

2 Recommendations

- 2.1 Executive to approve the Strategic Procurement Plan for the provision of an Integrated Therapies Service as a jointly commissioned service with NHS Frimley Integrated Care Board, the Royal Borough of Windsor and Maidenhead and Slough Borough Council. NHS Frimley Integrated Care Board will be the lead commissioner.
- 2.3 Executive to agree the proposed contractual term of 7 years, starting with an initial period of three years and two further optional extension terms of 2 years (3+2+2 years).
- 2.4 Executive to delegate authority for the contract award decision to the Executive Director: People in consultation with Executive member for Children, Young People & Learning.
- 2.5 Executive to approve an extension via waiver of the current Children and Young People's Occupational Therapy Service Level Agreement for one year to cover the dates 02/09/23-01/09/24 and, if required, to cover the dates 02/09/24-01/09/25.
- 2.6 Executive to approve an extension via waiver of the current Children and Young People's Speech and Language Therapy contract for one year to cover the dates 03/09/23-02/09/24 and, if required, to cover the dates 03/09/24-02/09/25.

3 Reasons for Recommendations

- 3.1 The procurement of the Integrated Therapies Service is required to meet the needs of children and young people with Special Educational Needs and Disabilities (SEND).
- 3.2 The proposal for jointly commissioning an Integrated Therapies Service will include a core clinical service. The core clinical offer includes SALT, OT and Physiotherapy. This core element of the integrated service will provide services where there is a clinical need such as intervention when a child or young person has experienced an accident or where there is a specific clinical need such as Dysphagia. Physiotherapy services are included in the core health service and are commissioned to provide

assessment and intervention to children and young people who present with a non-acute condition affecting their physical development and/or function and where specialist physiotherapy support is required. Clinical pathways for this cohort of Children and Young People will predominantly be through community health services such as health visiting, community paediatrics and primary care and Acute pathways.

- 3.3 The proposed joint commissioning model will ensure the best use is made of resources. Currently, there are four different contracts with different specifications, eligible populations/schools and monitoring arrangements. This results in inequitable provision and outcomes, service gaps, and disputes. A joint arrangement across East Berkshire would ensure a consistent service model is delivered across the area. A single provider ensures reduced variation in practice, more standardisation and a reduction in variation of access and outcomes. Impact measures would be monitored in a consistent way, the inequality of outcomes is reduced and there would be an increase in children who can access the service. A single needs assessment ensures the pooling of public health input, clinical expertise, schools' feedback, data and informatics and community insights. An aligned strategy means an at scale approach to tackling issues such as recruitment and retention, quicker resolution of disputes, and a single contract management approach.
- 3.4 The service model and specification will be jointly developed by NHS Frimley ICB, BFC, RBWM and Slough Borough Council to include the learning that took place during the pandemic, use of technology, and a contract monitoring and performance management framework with clear key performance indicators. Regular and robust contract monitoring will be undertaken throughout the life of the contract. A joint contract will clearly outline the costs of the service and the funding contribution of each Commissioning Partner. Key data sets will be presented in a dashboard at the SEND Improvement Partnership Board to provide the required system oversight.
- 3.5 Engagement will take place in the autumn term 2023 with key stakeholders including schools forum, service users, schools, health professionals, parents and the parent carer forums across East Berkshire to support the development of the new service model and specification. Workshops led by NHS Frimley ICB are taking place throughout July and August with multi-agency professionals at the three Local Authorities to progress this work. The Bracknell Forest Council (BFC) workshop took place on 24th July 2023.
- 3.5 Bracknell Forest Council wants all children and young people in the borough to be safe, to learn, to gain confidence, be happy and be supported to reach their full potential. Ensuring all children and young people with SEND are supported in achieving their aspirations is of paramount importance to us.
- 3.6 In November 2021, BFC's SEND services were inspected by Ofsted and the Care Quality Commission (CQC) and nine significant areas for improvement were identified. The fifth area for improvement is 'the lack of support available to children and young people while waiting excessive amounts of time to access occupational therapy services. Also, the lack of capacity in the occupational therapy team, resulting in delays to their contributions to education health and care plans (EHCPs). Improving OT wait times is a key improvement that needs to be delivered, as set out in our Written Statement of Action (WSOA).

4 Alternative Options Considered

- 4.1 **Do nothing:** The current contract and associated obligations will lapse, therefore there would be no provision for an Integrated Therapies Service. This would leave us unable to meet our statutory duty to provide OT, SALT and physiotherapy to children and young people in Bracknell Forest. It would also leave us unable to fulfil our duty

to ensure all EHCP assessments are completed within the 20-week timeframe, including the necessary input from SALT and OT therapists.

- 4.2 **Extending beyond the requested period:** There is no further provision within the current contract for this to be extended. Additionally, the service specifications have not been reviewed for several years and are no longer fit for purpose.
- 4.3 **A competitive tender as the sole commissioner:** The Integrated Therapies Service must be commissioned jointly by BFC and NHS Frimley ICB, as stated in the SEND Code of practice (2015). BFC and NHS Frimley ICB could commission this service jointly without RBWM and Slough Borough Council. However, the same provider currently provides the same services across Berkshire. Under Section 10 of the Children Act 2004 and Section 75 of the National Health Service Act 2006 local authorities and NHS Frimley ICB have a statutory duty to consider the extent to which children and young people's needs could be met more effectively through integrating services and aligning or pooling budgets in order to offer greater value for money, improve outcomes and/or better integrate services for children and young people with SEN or disabilities.
- 4.4 **A joint commissioning exercise with a Local Authority partner as the lead commissioner:** NHS Frimley ICB is the largest financial contributor to the service. The three Local Authorities are much smaller partners and due to resourcing challenges, neither BFC, RBWM or Slough Borough Council can act as lead commissioner for this project.
- 4.5 **Spot purchasing without a contractual arrangement:** Best value for money is unlikely to be achieved. The SEND Code of practice states that BFC and NHS Frimley ICB must jointly commission a service and publish this in the local offer. Spot purchased services would therefore not be appropriate.

5 Supporting Information

- 5.1 The current SALT service provided by Berkshire Health Foundation Trust (BHFT) includes:
- **Early Years Provision (0 – School Entry)**
Drop-in clinics hosted in BFC family hubs
 - Providing advice to families with early concerns around their child's speech or communication
 - Signposting families with additional (non-SALT) needs to other agencies
 - Referring children identified as requiring intervention or additional specialist support to the appropriate service.
 - **Mainstream Schools Provision (School Entry – 25 years)**
A whole school approach
 - Providing advice, strategies and training to education staff and carers across education settings (37 mainstream BFC schools, resource units and our pupil referral unit) to ensure that children and young people with speech, language and communication needs receive the required support.
 - Contribution to the 20-Week EHCP (Education, Health and Care Plan) process by providing written reports and attending the necessary meetings.
- 5.2 The current OT service delivered by BHFT includes:
- **Early Years Provision (0 – School Entry)**
Children receive initial assessment and various packages of intervention according to individual need. Services are delivered where it would best meet the needs of the child/young person (jointly funded by BFC and the ICB).

- **Mainstream Schools Provision (School Entry – 19 years)**

Children receive initial assessment and various packages of intervention according to individual need. Services are delivered where it would best meet the needs of the child/young person (jointly funded by BFC and the ICB).

- **Special Schools Provision**

A whole school approach – providing advice, strategies and training to education staff in Kennel Lane School to ensure that children and young people with occupational therapy needs receive the required support (jointly funded by BFC and the ICB).

- **Independent School Provision**

Providing advice and strategies to education staff in independent schools and providing a one-off initial assessment for children and young people attending an independent school (jointly funded by BFC and the ICB).

- **Home School Provision**

BHFT home schooled service for 0-19 years (jointly funded by BFC and the ICB).

5.3 The procurement of the Integrated Therapies Service is required to meet the needs of children and young people with Special Educational Needs and Disabilities (SEND) 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 SEND, 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 SEND.
- **Equalities Act 2010** - Remove or minimise disadvantages, take steps to meet different needs, and encourage participation when it is disproportionately low.

5.4 The procurement of the Integrated Therapies Service is required to meet the needs of children and young people with special educational needs and disabilities in line with the following local strategies and plans:

- Bracknell Forest Council’s **SEND Written Statement of Action (WSOA)**.
- The Joint Strategic Needs Assessment
- The Health and Wellbeing Strategy (2022-2026)
- Special Educational Needs and Disability Improvement Strategy (2020–2022)
- Local Transformation Plan for Children and Young People’s Mental Health, Emotional Wellbeing and Celebrating Neurodiversity (2021-2024)

5.5 Berkshire Health Foundation Trust contribute to the 20-week education health and care plan 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 education health and care plan is prepared and then implemented within this timeframe, and this includes input from health partners such as SALT and OT therapists.

5.6 In November 2021, BFC’s SEND services were inspected by Ofsted and the care quality commission and nine significant areas for improvement were identified. The fifth area for improvement is ‘the lack of support available to children and young people while waiting excessive amounts of time to access occupational therapy services. Also, the lack of capacity in the occupational therapy team, resulting in delays to their contributions to EHCPs. Improving occupational therapy wait times is

a key improvement that needs to be delivered, as set out in our Written Statement of Action (WSOA).

5.7 Permission is sought with the purpose of:

- Improving wait times
- Reducing the number of education health care assessment breaches
- Ensuring that BFC children and young people receive the support they need, at the right time
- Ensuring children and young people have equitable access to therapy services across East Berkshire, working in partnership with Health.

5.8 Initial work has already taken place to address the extensive wait times as part of our WSOA. NHS Frimley ICB has invested additional funding into the service and the provider has demonstrated significant reductions in the length of time that children and young people are waiting to receive services. The Strategic Commissioning Team and Education colleagues undertake regular contract monitoring and engage in frequent communication with the provider to ensure there is ongoing oversight of this service. This monitoring will continue throughout the contract extension period.

5.9 Key findings of the analysis of usage of existing provision, including the recent reduction in wait times, are detailed in the Strategic Procurement plan.

5.10 As of January 2023, there were 1248 children and young people with education health and care plans. In January 2019, this figure was 775 representing an increase of 10-16% each year for the past 4 years. RBWM reports a current number of 1177 children and young people with EHCPs and Slough reports 1824.

5.11 This is an indicative timeline based on the 12-month extension.

Milestone	Approximate Date
Cost modelling and specification development – NHS Frimley ICB, BFC, RBWM and Slough Borough Council	July – September 2023
Engagement with key stakeholders – to include Schools Forum, schools, service users, health professionals and parents	September – December 2023
Publish OJEU Prior Information Notice	January 2024
Publish OJEU Contract Notice / Publish on Find A Tender	January 2024
Publish adverts in South East Business Portal and Contracts Finder	January 2024
Evaluate responses to PIN	February 2024
Contract Award	April 2024
Mobilisation Period	May-September 2024
Contract Start Date	02/09/24

6 Consultation and Other Considerations

Legal Advice

6.1 Comments are detailed in the Strategic Procurement Plan.

Financial Advice

6.2 Comments are detailed in the Strategic Procurement Plan.

Other Consultation Responses

6.3 N/A

Procurement

6.4 Comments are detailed in the Strategic Procurement Plan.

Equalities Impact Assessment

6.5 An Initial Equalities Screening Record Form will be completed as part of the re-commissioning of this service. NHS Frimley ICB will lead on a joint Equalities Screening to consider the impact across Bracknell Forest, RBWM and Slough.

Strategic Risk Management Issues

6.6 Comments are detailed in the Strategic Procurement Plan.

Climate Change Implications

6.7 Commissioners will work with health colleagues to ensure that the climate change implications are explored as part of the procurement process with a view to reducing the implications in line with the strategies of all organisations involved in the process.

Health & Wellbeing Considerations

6.8 The service will be jointly commissioned with NHS Frimley ICB, who will be the lead commissioner. The NHS standard contract terms and conditions will apply to the contract.

Contact for further information

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