

Decision Maker: Education Portfolio Holder

Date: For Pre-Decision Scrutiny by the Education Policy Development and Scrutiny Committee on 12 June 2012

Decision Type: Non-Urgent Executive Non-Key

Title: **SPEECH AND LANGUAGE AND OCCUPATIONAL THERAPY PROVISION FOR CHILDREN WITH STATEMENTS OF EDUCATIONAL NEED ACCESSING BROMLEY SPECIALIST EDUCATION PROVISIONS**

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Chief Officer: Bob Garnett , Interim Assistant Director (Education)
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Ward: Boroughwide

1. Reason for report

- 1.1 Bromley Local Authority has, in partnership with Bromley Primary Care Trust (PCT), been providing speech and language therapy provision and occupational therapy provision for special schools and special units borough wide for a number of years. The main contract for speech and language provision within the borough is held by the PCT and delivered by Bromley Healthcare CIC with an annual value of £1.2m and is not due to expire until 2016. In addition, the London Borough of Bromley (LBB) holds two contracts with Bromley Healthcare with a combined annual value of £310k (Speech & Language provision and the Inclusion Support Service). The LBB contracts are intended to provide additional capacity to provide speech and language support within special schools, special unit and mainstream school settings. The LBB contracts are due to expire on 31 July 2012.
- 1.2 This report seeks authorisation to combine the two contracts with Bromley Healthcare CIC into a single contract and extend this contract for a further twelve months until 31 July 2013. It is intended that LBB and the PCT will work in partnership during the extension period to explore pooled funding arrangements for speech and language provision and to develop a detailed commissioning strategy to update the current specification for the service.
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2. **RECOMMENDATION(S)**

- 2.1 **The Portfolio Holder for Education is asked to approve the twelve month extension for the combined contract with Bromley Healthcare.**

Corporate Policy

1. Policy Status: Existing Policy: Children's Strategy 2012-2015
 2. BBB Priority: Children and Young People:
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Financial

1. Cost of proposal: £310,538 per annum:
 2. Ongoing costs: £310,538 in 2013/2014 (subject to available funding) with Gateway review to be completed for future delivery in 2013/2014
 3. Budget head/performance centre: Special Educational Needs & Disability
 4. Total current budget for this head: £315,710
 5. Source of funding: Dedicated Schools Grant
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Staff

1. Number of staff (current and additional): No LBB staff will be employed within the terms of the proposed contract.
 2. If from existing staff resources, number of staff hours:
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Legal

1. Legal Requirement: Statutory Requirement: Education Act 1996 Section 14 - suitable provision for children with special educational needs
 2. Call-in: Applicable:
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Approximately 200 disabled children and young people (0-18 with Statements of Special Educational Needs (SEN), plus those being supported by the Inclusion Support Service without the need for Statements) currently use this service. It is expected that this figure will increase during 2012/13 due to the increasing incidence of children with complex Special Educational Needs within the local population and nationwide.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

3. COMMENTARY

- 3.1 The Education Act 1996, Section 14 places a duty on the Local Authority to secure appropriate Special Educational Needs (SEN) provision for pupils assessed as having this need, both for children having this need written into their Statement of Education Needs (Statement of SEN) and those assessed as requiring support without the need for Statement. The Local Authority has met this need in relation to speech and language and occupational therapy for children and young people by working in partnership with Bromley PCT.
- 3.2 Bromley PCT funds speech and language provision in the borough through a contract with Bromley Healthcare CIC, providing assessment and support at a range of settings including special schools and schools with units. The contract has an annual value of £1.2m and is due to run until 2016.
- 3.3 The London Borough of Bromley has funded additional capacity for speech and language provision through two contracts with Bromley Healthcare: a speech and language contract to fund additional capacity for delivery at special schools and schools with units; and an Inclusion Support Service to provide speech and language support to pupils within mainstream schools. Both contracts are due to expire in July 2012.
- 3.4 An appropriate level of speech and language therapy and occupational therapy acts as a preventative mechanism to support children and young people with SEN within Bromley schools. Failure to provide this can lead to costly alternative measures as parents seek Tribunal direction for their children to be placed in more costly educational provision to meet their speech and language needs. The provision of this service effectively offers cost avoidance in respect of increases in Out of Borough placements.
- 3.5 The local authority currently commissions Bromley Healthcare CIC to deliver speech and language and occupational therapy within the following school settings:-
- Glebe School (16 – 19) provision
 - Princes Plain KS2
 - Pre School Sensory Support Service (Griffins)
 - Hayes SPALD
 - Alexandra Unit
 - Riverside Beckenham
 - Darrick Wood Griffins and Secondary Deaf Centre
 - Raglan SPALD
 - SPEACS and Phoenix Classes
 - Burwood School
 - Crofton Class 20
 - Marjorie McClure (Communication and augmentative Technology Service)
 - Mainstream schools where children are supported by the Inclusion Support Service or where there has been a tribunal direction
- 3.6 In considering the procurement strategy for the contracts that are due to finish in July 2012, a project group consisting of officers from the London Borough of Bromley and Bromley PCT has been set up to review the provision. The project group has recommended that, subject to consultation and approval:
- the service should be jointly commissioned between LBB and PCT to provide a single rationalised service;
 - further exploration should be made in combining the respective funding streams into a pooled budget, with PCT as the lead commissioner via a Section 256 agreement;

- a commissioning strategy for Speech and Language provision be fully developed to inform an updated joint specification for this provision from 2013/14 – the commissioning strategy to include an updated Needs Analysis, Resource Mapping and gap analysis and a clearer definition of the intended outcomes of the provision and how this will be monitored;
- in addition, the project group recognised the potential policy implications of the SEN Green Paper 2012 which will inform the specification for this service going forward.

3.7 Therefore it is proposed to extend the current contract with Bromley Healthcare for a further twelve months to allow the implementation of a pooled budget approach from August 2013 onwards, with a revised and updated specification based on a commissioning strategy to be finalised over the next six months. At the same time, the Inclusion Support Contract will be combined with the main Speech and Language contract so that it is also extended for a further year.

3.8 An extension option is available to the current contracts as per the London Borough of Bromley Contract Procedure Rules 23.7.3 which allows for a single extension of up to one year subject to appropriate approval from the Director of Resources, the Finance Director and the Portfolio Holder where the value of the extension is greater than £100k.

4. POLICY IMPLICATIONS

4.1 Education and Care Services, SEN & Disability Service, is currently auditing the number of children and young people with SEN who are accessing Out of Borough services, with a view to increasing in borough school provision which in turn is intended to reduce out of borough education expenditure. An appropriate level of speech and language and occupational therapy within in-borough school provision is regarded as key to ensuring a reduction in out of borough school placements.

4.2 Education and Care Services, Inclusion Support Service is rolling out a programme of inclusion support within mainstream schools without the necessity for children to have a Statement of Educational Needs. This programme requires input for speech and language therapy. It represents significant cost savings to the Local Authority in terms of officer time not being spent on preparation and issuing of Statements.

4.3 The policy implications of the Special Educational Needs Green Paper 2012 will be considered as part of the commissioning review of the service with a revised specification to be developed.

5. FINANCIAL IMPLICATIONS

5.1 Funding for 2012/13 is available through existing budget provision.

5.2 The request for an extension is in line with the Financial Regulations and Contract Procedure Rules which allow for a single extension to be applied for up to twelve months, subject to approval.

6. LEGAL IMPLICATIONS

6.1 Paragraph 3.1 outlines the duty on the Local Authority to provide appropriate support to children with SEN.

7. PERSONNEL IMPLICATIONS

7.1 None. There will be no staff employed by LBB within the terms of the proposed contract and no TUPE obligations.

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| Non-Applicable Sections: | N/A |
| Background Documents: (Access via Contact Officer) | |