

Decision Maker: Education Portfolio Holder

Date: For Pre-Decision Scrutiny by the Education Policy Development and Scrutiny Committee on 12th November 2013

Decision Type: Non-Urgent Executive Non-Key

Title: **SPEECH AND LANGUAGE THERAPY FOR CHILDREN WITH SPECIAL EDUCATIONAL NEEDS - GATEWAY REVIEW**

Contact Officer: Lorna Blackwood, Assistant Director Commissioning & Partnerships
Tel: 020 8313 4110 E-mail: lorna.blackwood@bromley.gov.uk

Chief Officer: Executive Director of Education, Care & Health Services

Ward: All Wards

1. Reason for report

- 1.1 LB Bromley has, for a number of years, commissioned Bromley Healthcare to provide an element of the speech and language therapy and occupational therapy provision for pupils in special schools and schools with unit provision. The existing contract with Bromley Healthcare expires on 31 August 2014, having been previously awarded by contract extension and exemption. An efficient process for ensuring those schools and units are able to provide adequate therapy support is required, sitting alongside the therapy commissioned by CCG, which entails the Council funding being passed directly to the relevant schools to secure this provision themselves.

2. RECOMMENDATION(S)

- 2.1 The Portfolio Holder is requested to agree to the funding for this service to be passed to the relevant schools with effect from 1 September 2014, without a further need for LB Bromley to commission this service directly. This will enable those relevant schools to organise their own therapy support.
- 2.2 Members of the Education Services PDS committee are requested to comment on the above commissioning proposal.

Corporate Policy

1. Policy Status: Existing Policy: Education and Care Services Plan for 2013/14
2. BBB Priority: Children and Young People: - Education and learning

Everybody should be able to achieve their full potential and to have the best quality of life. We are committed to ensuring that high-quality education and learning opportunities are available for all children, young people, and adults.

Financial

1. Cost of proposal: Contained within current annual resources of £331,120:
 2. Ongoing costs: Annual Recurring Cost:
 3. Budget head/performance centre: SEN & Disability Service, Access and Inclusion
 4. Total current budget for this head: £331,120
 5. Source of funding: Dedicated Schools Grant (DSG)
-

Staff

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: SEN Code of Practice: Requiring sufficient support for children's assessed needs to enable their access to education
 2. Call-in: Applicable:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Approximately 200 pupils benefit from the existing Council therapy arrangements
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 The Council has, in partnership with Bromley Primary Care Trust (PCT), been providing speech and language therapy and occupational therapy provision for pupils in special schools and schools with unit provision for a number of years.
- 3.2 The main contract for this therapy is held by Bromley CCG with the Council holding a separate, smaller value contract.
- 3.3 Bromley CCG has a duty to provide community healthcare and for this purpose they commission a contract with Bromley Healthcare with a value of £1.2m per annum for the delivery of community therapy and nursing provision. This therapy provision is typically delivered through outpatient clinics, in pre-schools and in schools.
- 3.4 The Council has a duty to ensure children and young people with special education needs (SEN) are able to access education. This extends to a duty to facilitate this access by way of appropriate intervention and support. The above mentioned CCG contract currently offers insufficient capacity to ensure this duty can be fulfilled and therefore the Council has separately commissioned a contract with Bromley Healthcare with a current annual value of £240k to supplement the CCG provision. The funding source is Dedicated Schools Grant (DSG).
- 3.5 The Council's contract with Bromley Healthcare, or their predecessor, has been in existence for at least 3 years with previous authorisations obtained from the Portfolio Holder for award of contract by exemption and/or extensions.
- 3.6 The current Council contract is due to end in July 2014.
- 3.7 Work has been undertaken to attempt to realign the LBB and CCG contracts but this has not been possible. The nature of the CCG contract is not conducive to a realignment as it must remain a community based resource, whilst the Council element is very specifically delivered within an education setting.
- 3.8 A decision on how to commission the Council's element of this therapy provision is now required in order for arrangements to be in place from September 2014 onwards.

3.9 Proposal

- 3.10 Appendix One identifies the schools/units and level (hours per week/per annum) of current Council commissioned therapy (September 13 – July 14). (Appendix One also identifies the schools/units where funding remains centrally retained and which would therefore be excluded from these proposed arrangements.)
- 3.11 This would be a complex contract for the Council to commission on the open market as much of the provision actually supplements the CCG provision which is delivered by Bromley Healthcare (e.g. Riverside Orpington).
- 3.12 Recent changes to SEN funding (SEN Funding Reforms) has seen more funding being passed directly to schools to enable them (schools) to have greater control over the management and delivery of their service.
- 3.13 It is proposed to pass the Council funding for the therapy provision to the relevant schools which will enable them to directly commission the therapy themselves.
- 3.14 The Council will monitor therapy provision within the relevant schools in order to ensure that the funding is used for the purpose of supporting the children's therapy needs and which will diminish the risk of the school not using the funding for its intended purpose.

3.15 There is no requirement to consult with Schools Forum on this proposal as delegation of funding is not required.

3.16 Benefits of proposal

3.17 Schools will have direct control over how additional therapy resources are commissioned and may wish to supplement this funding from their own resources in order to enhance therapy provision.

3.18 Schools will have the ability to employ any appropriate therapy support strategy in order to deliver the desired outcomes.

3.19 The Council will have no further involvement in contractual negotiations and liabilities with therapy providers.

3.20 Funding arrangements will be sufficiently flexible to be re-directed by the Council to reflect changing needs across relevant schools/units as required.

3.21 Any individual intervention in respect of a named pupil will continue to be commissioned centrally by the Council.

3.22 Risks

3.23 Disaggregation of the contract value may diminish any economies of scale that might be achieved by the block commissioning by the Council.

3.24 Contracting periods by the schools with therapy providers will have to afford the flexibility for funding to be re-directed to schools with more significant needs if appropriate. An annual review of needs assessments is practical if there are intentions to move funding between schools.

3.25 Legal Department has considered the option to delegate funding to schools and advised that contracting with schools is the preferred option in order to ensure that funding is used by the schools for its intended purpose.

4. POLICY IMPLICATIONS

4.1 A sufficiency of speech and language and occupational therapy provision within Bromley's special schools and schools with units enables those schools to deliver a high quality education provision.

4.2 An insufficient level of these therapies would potentially result in challenge from parents/carers.

5. FINANCIAL IMPLICATIONS

The current financial resource enables a sufficient level of provision to be commissioned to meet the assessed need.

6. LEGAL IMPLICATIONS

6.1 The SEN Code of Practice (produced under the requirements of Section 313 Education Act 1996) requires local authorities to provide sufficient support, as determined by assessed need, to enable children and young people with SEN to access the education curriculum. This support includes the provision of speech and language therapy and occupational therapy.

- 6.2 Bromley CCG provides the majority of this provision within Bromley schools but in some instances the CCG provision is insufficient. However, the duty to provide this therapy lies with the local authority, hence the local authority provides an amount of this therapy to sit alongside the CCG commissioned provision.

Non-Applicable Sections:	Personnel Implications
Background Documents: (Access via Contact Officer)	SEN Code of Practice www.education.gov.uk/.../special-educational-needs-code-of-practice