

**Decision Maker:** EDUCATION PORTFOLIO HOLDER

**Date:** For Pre-Decision Scrutiny by the Education Policy Development and Scrutiny Committee on Wednesday 2 July 2014

**Decision Type:** Non-Urgent Executive Non Key

**Title:** **SPEECH & LANGUAGE THERAPY FOR CHILDREN WITH SEN - CONTRACT EXTENSION**

**Contact Officer:** Hilary Rogers, Service Manager (Joint Commissioning) Commissioning & Partnerships  
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**Chief Officer:** Executive Director of Education, Care & Health Services

**Ward:** (All Wards);

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**1. Reason for report**

- 1.1 In November 2013 Members approved a proposal to pass funding for speech and language therapy and occupational therapy directly to the small number of special schools and schools with units where LB Bromley had previously commissioned that therapy of their behalf, thus reducing the commissioning responsibility for these services within LB Bromley.
- 1.2 In light of changes to schools funding legislation, further detailed work is required to determine whether this change can be successfully implemented within the preferred timescale and within the requirements of the new legislation.
- 1.3 This report therefore seeks permission to extend the current contracting arrangements that LB Bromley has in place with Bromley Healthcare CIC for speech and language therapy and occupational therapy, allowing a further period for this detailed work to be undertaken..
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**2. RECOMMENDATION(S)**

- 2.1 Members of the Education Policy Development and Scrutiny Committee are asked to note and comment on this report prior to consideration by the Portfolio Holder
- 2.2 The Education Portfolio Holder is asked to agree to a waiver of Financial Regulations to enable a new contract for speech and language therapy and occupational therapy to be put in place for a period of one academic year from 1 September 2014 to 31 July 2015.

### Corporate Policy

1. Policy Status: : Existing Policy - Education Portfolio Plan for 2014  
Ensure that children and young people with SEN have good outcomes
  2. BBB Priority:: Children & young people enjoy learning and achieve their full potential,  
Ensure the health and well being of children and young people and their families
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### Financial

1. Cost of proposal: £300,000
  2. Ongoing costs:: Not Applicable
  3. Budget head/performance centre: SEN & Inclusion
  4. Total current budget for this head: £303,320
  5. Source of funding: DSG
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### Staff

1. Number of staff (current and additional): n/a
  2. If from existing staff resources, number of staff hours:
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### Legal

1. Legal Requirement: Statutory Requirement : Education Act 1996, Children Act 2002:
  2. Call-in: Applicable:
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### Customer Impact

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

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

### **3. COMMENTARY**

- 3.1 The Council has, in partnership with Bromley Clinical Commissioning Group (CCG), been commissioning speech and language therapy and occupational therapy for pupils in special schools and for pupils in schools with unit provision and for the Inclusion Support Service (ISS) for a number of years. The provider of this service is Bromley Healthcare CiC.
- 3.2 In November 2013 the Portfolio Holder approved a request to pass funding for most of this provision directly to the schools, thus enabling the individual schools to make their own delivery arrangements for this service, with a start date of September 2014.
- 3.3 This proposal was underwritten on the prevailing intelligence in relation to School Funding Reforms. It has subsequently come to light that it may not be feasible to undertake this transfer in the way envisaged. Further work is now required to establish the funding model which will prevent any changes happening within the original timescale. Given the nature of the services it would not be practical to effect a change during the academic year and so any future model will not be able to be implemented until the end of the school academic year 2014/15.
- 3.4 The existing contract for the provision of these therapies ceases on 31 July 2014. The contract is currently awarded to Bromley Healthcare CIC(BHC) and for the period 2013/14 had an annual value of £290,284
- 3.5 The Council has had a contract with Bromley Healthcare, or their predecessor, for at least 4 years with previous authorisations obtained from the Portfolio Holder for award of contract by exemption and/or extension.
- 3.6 As the current contract with Bromley Healthcare for the delivery of these services is due to end on 31 July 2014 the Education Portfolio Holder is requested to approve a further exemption and award a new one year contract to Bromley Healthcare CIC in order to ensure that adequate speech and language therapy and occupation therapy is made available in Bromley's special schools, schools with units and for the Inclusion Support Service, pending the final details of the future funding model being agreed and implemented.

### **4. POLICY IMPLICATIONS**

- 4.1 Education Portfolio Plan for 2014 identifies a key objective as being to ensure that all children and young people with SEN have good outcomes. These outcomes are dependent upon an adequate level of therapy input within a school environment which enables their access to the curriculum.

### **5. FINANCIAL IMPLICATIONS**

- 5.1 Costs of the extension of the contract will be contained within existing budget resources.
- 5.2 The cumulative value of all contracts with Bromley Healthcare CIC for the purpose of therapy provision into Bromley Schools was £1,116k for the period April 2010 to July 2014.

### **6. LEGAL IMPLICATIONS**

- 6.1 The request for an exemption from competitive tendering is in line with Section 3.1 of the Contract Procedure Rules subject to appropriate authorisation as specified in 13.1 of the Contract Procedure Rules. Any exemption over £100k needs to be approved by the relevant Portfolio Holder.

<b>Non-Applicable Sections:</b>	Personnel Implications
Background Documents: (Access via Contact Officer)	Report to Education PDS 12 November 2013 Speech and Language therapy for Children with Special Educational Needs – Gateway Review