

Decision Maker: Executive

For Pre-Decision Scrutiny by the Education PDS Committee on:

Date: 27th January 2015

Decision Type: Non-Urgent Executive Non Key

Title: **COMMISSIONING OF SPEECH AND LANGUAGE THERAPY**

Contact Officer: Hilary Rogers, Joint Commissioner for Disabled Children, Commissioning & Partnerships
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Chief Officer: Terry Parkin, Executive Director of Education, Care & Health Services

Ward: All Wards

1. REASON FOR REPORT

- 1.1 Speech & Language Therapy and Occupational Therapy for children and young people is currently commissioned from Bromley Healthcare CIC by way of two separate contracts, one with London Borough of Bromley and one with Bromley Clinical Commissioning Group (CCG)
- 1.2 New legislation contained with the Children and Families Act 2014 require local authorities and CCGs to develop robust joint commissioning arrangements where they are providing services to the same cohort of children and young people, and a more consistent and collaborative approach to service delivery will better ensure that the needs of all children can be met
- 1.3 This report seeks permission for the Council to enter into a Section 75 funding agreement with Bromley CCG to enable a single service specification, with Bromley CCG as the lead commissioner and with the Council having joint operational oversight on the contract delivery and performance.

2. RECOMMENDATIONS

- 2.1 **Members of the Education Policy Development and Scrutiny Committee are asked to note and comment on this report prior to Executive being asked to:**
 - a) **consider agreement to the Council including the funding for commissioning of Speech and Language and Occupation Therapy provision which has historically been commissioned by the Council to be included in the current Section 75 agreement with Bromley CCG and for the Council to pass lead commission responsibility to Bromley CCG.**

Corporate Policy

1. Policy Status : Existing Policy – Education Portfolio Plan 2015
 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: £330,000:
 2. Ongoing costs:: This is provision that is ongoing on an annual basis
 3. Budget head/performance centre: SEN & Inclusion (136597/2507)
 4. Total current budget for this head: £331,120
 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,
Children & Families Act 2014
 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 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 Community Interest Company (CIC). The value of this contract for 2014/15 is £303,406, plus 'spot purchases' and is delivered on the basis of 38 weeks per year (i.e. school term time only). This contract is specific as to which schools/units it covers and is specific as to the volume of therapy to be delivered within each school/unit.
- 3.2 The Council contract is due to end in July 2015.
- 3.3 The Council's statutory duty is to ensure that all children and young people with SEN are able to access education.
- 3.4 Bromley CCG has also been commissioning community based speech and language therapy and occupational therapy as part of a larger Community Contract with Bromley Healthcare CIC for a number of years. A substantial element of this therapy is delivered in special schools and in schools with unit provision. The estimated value of this element of the Community Contract is approximately £1.4m. The contract is for a 52 week per year basis as it includes provision over and above that delivered in schools, e.g. clinic provision which is all year round.
- 3.5 The CCG contract is currently due to end in March 2016 but it is most likely to be extended for a further period. This limits the Council's commissioning options but also ensures that the Council is not entering into a long commitment to this proposal.
- 3.6 The CCG contract does not specify the school/unit nor the volume of therapy that any school/provision is allocated. The allocation is based on the prevailing needs of all eligible pupils and is reviewed on a termly basis.
- 3.7 There is no clear documented rationale as to how the above division of commissioning arrangements was historically agreed. Appendix A notes the breakdown of current commissioning arrangements within education settings.
- 3.8 LBB commissioned sessions do not include staff training, staff meetings, clinical supervision and continuing professional development. This therefore comes out of the CCG commissioned hours.
- 3.9 Further, there is no agreed mechanism for any increase in provision as the numbers and needs of children within specialist schools and schools with unit provision increase.
- 3.10 This proposal seeks to align both contracts into one commissioning agreement by way of the Council passing its current level of expenditure to Bromley CCG via the existing Section 75 Agreement, with Bromley CCG taking the lead commissioner role.
- 3.11 The Council will take contract monitoring responsibility for service delivery into schools and the role of the Joint Commissioner will monitor assessed need.
- 3.12 The merging of these commissioning arrangements will deliver greater flexibility to service delivery, allowing for the SEN Manager and the Joint Commissioner to ensure that resources are flexibly allocated on the basis of need.
- 3.13 The merging of these contracts will provide a greater resource and opportunity for special schools and schools with units to develop an integrated approach to support for pupils and afford better opportunities for staff to develop language skills.

- 3.14 An annual review process will be jointly agreed between the Council and Bromley CCG to identify and agree either funding increases or decreases and/or changes to eligibility criteria which recognise the increasing needs and complexity of the SEN population.

4. POLICY IMPLICATIONS

The draft Education Portfolio Plan for 2015 identifies a key objective as being to ensure that all children and young people with SEN have good outcomes, and identifies a commitment to continue to improve the provision of SEN education in the borough. This objective and commitment is dependent upon an adequate level of therapy input within a school environment which enables appropriate access to the curriculum for pupils with SEN.

5. FINANCIAL IMPLICATIONS

- 5.1 The current split of funding across the Council and Bromley CCG in respect of total expenditure on these services is approximately 25/75.
- 5.2 Costs for this proposal will be contained within the 2015/16 budget resources.
- 5.3 Previous agreement to award the contract to Bromley Healthcare have been made on an exemption basis pending time to consider and agree a joint commissioning arrangement with Bromley CCG.

6. LEGAL IMPLICATIONS

- 6.1 The SEN Code of Practice 2014 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 The SEN Code of Practice 2014 requires that joint commissioning arrangements will include specialist support & therapies
- 6.3 A Section 75 agreement is already in place between the Council and Bromley CCG. This agreement will be added to the Schedules.

Non-Applicable Sections:	Personnel Implications
Background Documents: (Access via Contact Officer)	Report to Education PDS 2 July 2014 (No: ED15068) Report to Education PDS 23 January 2013 (Commissioning of Speech and Language and Occupational Therapy for Pupils in Bromley schools) SEN & Disability Code of Practice 2014 www.gov.uk/government/publications/send-code-of-practice