

Decision Maker: Portfolio Holder for Education, Children and Families

Date: For Pre Decision Scrutiny by the Education, Children and Families
Budget and Performance Monitoring Sub-Committee on 17th January
2018

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

Title: GATEWAY 1 MEMBERS REPORT

**HIGH NEEDS STRATEGIC PLANNING FUND REVIEW:
SPECIAL EDUCATIONAL NEEDS AND DISABILITY -
PROCUREMENT OF SHORT TERM CONTRACT**

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Chief Officer: Gillian Palmer, Interim Director of Education

Ward: All wards

1. REASON FOR REPORT

- 1.1 Following the DfE announcement in March 2017 of the High Needs Strategic Planning Fund (HNSPF) grant, Bromley is in the process of carrying out a strategic review of its high needs provision. Through the use of this grant, the local authority is working with education settings, providers, partners and with parents and young people.
 - 1.2 A contract was awarded, following a competitive tender, to *send4change* to support phase one of the strategic review. The contract commenced in June 2017 and came to an end on 31 December 2017. The contract value was £80k, funded through the HNSPF grant
 - 1.3 This report:
 - Outlines the context of the SEND review and how this has been approached
 - Provides an update on phase one of the High Needs SEND review
 - Sets out the proposal to deliver phase two of the review
 - Seeks approval to award further contract via exemption to competitive tendering to *send4change* for the delivery of phase two of the review
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2. RECOMMENDATION(S)

- 2.1 The Deputy Leader and Portfolio Holder for Education, Children and Families is recommended to:

- i) Note and comment on the plans for phase two of the strategic review of high needs provision;
- ii) Approve the award of contract for delivery of phase two of the strategic review to *send4change* via an exemption to competitive tender for a contract period of 1 February 2018 to 30 April 2018 at a value of £32k.

Corporate Policy

1. Policy Status: Existing policy. Existing Policy Context/Statements
 2. BBB Priority: Children and Young People.
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Financial

1. Cost of proposal: <please select> £32,000
 2. Ongoing costs: Non-recurring cost.
 3. Budget head/performance centre: High Needs Strategic Planning Fund - 100870-3815
 4. Total current budget for this head: £139,624
 5. Source of funding: DfE grant
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Staff

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

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is not applicable.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Aproximately 6,000 children and young people with special educational needs and/or disabilities
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 In March 2017, the DfE announced the High Needs Strategic Planning Fund (HNSPF) grant for local authorities to carry out a strategic review of their high needs provision. Through the use of this grant, local authorities are expected to work with schools, colleges and other providers, and with parents and young people. Bromley received a grant of £139,624.
- 3.2 The purpose of the review is to increase the local area's capacity so that the review and planning of high needs provision is high-quality and collaborative. The grant can also be used to help implement the outcomes of the review. Local authorities are required to publish the outcomes in the form of strategic plans to demonstrate transparency and accountability.
- 3.3 Following the announcement of the HNSPF grant, Bromley commissioned an independent review of its high needs funding arrangements and other key areas relating to services and provision for young people with SEN and/or Disability. The contract was awarded to send4change following a competitive tender. Phase one of the review commenced in June 2017 utilising £80k of the grant. The accountability of the review sits under the SEND governance board and is managed by the SEND Strategic Lead (Lesley Cox) and the SEND Operations Manager (Debi Christie).
- 3.4 Phase 1 of the review (July to December 2017) will result in the following key deliverables:
- A SEND strategy that has the support and engagement of all partners that makes clear evidence based recommendations for change
 - A set of evidence based recommendations that outline how the LA needs to reshape services to meet the new challenges
 - Review the sufficiency of provision in Bromley and make recommendations as to how in-borough provision might be strengthened
 - Produce a plan that will improve SEMH identification, support and provision in Bromley.
- 3.5 Review of Bromley SEND services across the age range 0-25 has included:
- Undertaking an analysis of Bromley's high needs spend
 - Developing an understanding of Bromley's current arrangements and comparisons with the national position and other London boroughs
 - Identify areas requiring development and improvement regarding the way in which needs are identified, assessed and how these needs are met for children and young people with SEND and lead to better outcomes. Establish focus groups comprising representatives across education, health, care and parent forums
 - Considering the sufficiency of special school provision in order to develop a sustainable strategy for the borough for the future.
- 3.6 The review of arrangements for pupils with social emotional and mental health needs (SEMH) has included:
- Developing a comprehensive understanding of Bromley's existing arrangements for children and young people who have SEMH needs
 - Analysing permanent and fixed term exclusion data and comparing this with the national picture and other London Boroughs
 - Having discussions with the Pupil Referral Unit, schools, and key partners to determine areas of focus
 - Evaluating the impact of current arrangements and ways in which the current model can be improved
- 3.7 This report appends the key messages that have come out of phase one (Bromley's top 10 priorities) which has been published on the Local Offer website:
<https://bromley.mylifeportal.co.uk/media/22439/bromleystop10sendprioritiesoctober2017.pdf>

- 3.8 Since the review commenced in July 2017, there has been significant staff changes within the SEND service areas, with the departure of the Director of Education and also two Heads of Service.
- 3.9 A significant amount of time has been allowed for engagement and discussion with a wide range of stakeholders, ensuring that all views have been listened to and considered carefully. One of the key drivers in carrying out this review has been the collaborative approach to ensure that the process and outputs are developed and owned by the local area. Each of the four working groups (engagement, high needs funding, specialist placements and SEN support) are chaired by a local area representative, including LA Officers, Schools, Governor and parents.
- 3.10 The approach taken will contribute to the successful implementation of the outcomes, resulting in more sustainable change. In line with Section 19 principles of the Children's and Families Act and the SEND Code of Practice, the review has been carried out in partnership with all stakeholders, which has included LA/CCG, third sector, schools and settings, children and young people and parent/carers.
- 3.11 The sense of optimism and excitement is now tangible. It is also clear that the language of the local area is more positive and people are beginning to sense a collective momentum for change.
- 3.12 Progress of the first phase of this review has been monitored regularly, with reports presented at the SEND Governance Board on a monthly basis. In addition, regular updates and discussions take place between senior managers in the SEND Service and the Director of Education.
- 3.13 A full briefing has also been provided to Cllr Fortune (Deputy Leader and Portfolio Holder for Education, Children and Families) on 19th December 2017 outlining progress to date and next steps.
- 3.14 We are now seeking to move to phase two of the review, to consolidate the progress to date and implement the work streams identified during phase one. The outputs in phase two include:
- A full review of Bromley's Specialist Support and Disability Service, the Vision Impairment Service and the Hearing Impairment Service to determine impact of these services and value for money
 - Building on the initial sufficiency planning work, the production of a sufficiency strategy for specialist provision that identifies the breadth of need over the next 10-15 years, incorporating strategies to strengthen in-borough provision
 - An efficiencies exercise across all services that draw on high needs funding to identify where there is flex in the system to stretch services across the full 0-25yrs age range, across all settings and disabilities to reshape the service offer focussed on mainstream schools
 - A communications strategy to support the delivery of the 0-25yrs SEND five-year strategy
 - Training and development events for the local area, including a full head teacher conference for early years, schools and colleges

4. SUMMARY OF YOUR BUSINESS CASE

Phase two of the review will commence implementation and build on the key deliverables and momentum of phase one. It is proposed to commission a further contract to deliver phase two to ensure capacity within the service to complete the review. The proposed contract will commence at the end of January 2018 and be completed by April 2018 at a value of £32k.

We are seeking to award the phase two contract to *send4change*, the organisation who completed phase one, via an exemption to competitive tendering. Bromley Council are currently non-compliant under the SEND Code of Practice and this work aligns very closely to the implementation of the SEND reforms and preparation for the Ofsted/CQC local area SEND Reforms Inspection, which could take place at any time.

Phase two continues directly on from the phase one review and requires an in depth understanding of the work completed so far, the infrastructure and financing of high needs provision and familiarity, knowledge and trust with all stakeholders including local authority officers. As such, *send4change* are best placed to deliver the project as they were the commissioned provider for phase one and will be able to immediately commence delivery, building on the work they have completed to date; no other provider will be able to deliver the project in the timescale and funding available.

The funding required to complete phase two of the review will be £32,000 and is part of the HNSPF grant. Confirmation has been received that the grant funding can be carried over into the 2018/19 financial year to complete this work.

4.1 SERVICE PROFILE/DATA ANALYSIS

The current budget for the HNSPF grant is £139,624.

- Phase one of this review utilised £80,000
- A project focusing on demonstrating outcomes and impact was commissioned from this budget at a total cost of £20,000
- The current balance of the grant is £39,624
- Phase two of this review requires £32,000
- The remainder following delivery of all outputs will be £7,624 and should be returned to contingency

4.2 OPTIONS APPRAISAL

The consultants engaged to complete phase one of the review have built up significant trust with all stakeholders over the past six months. *Send4change* are committed to completing the review and Bromley are assured of the quality of the work and the continued commitment. The local authority is therefore not seeking any other alternative options for delivery and are seeking agreement to directly award the phase two contract to *send4change* via an exemption to competitive tendering.

4.3 PREFERRED OPTION

N/A – as section 4.2

4.4 MARKET CONSIDERATIONS

N/A – as section 4.2

5. STAKEHOLDER ENGAGEMENT

This review has seen extensive stakeholder engagement. Appendix 2 details the stakeholder groups and services that have been involved in the review to date.

6. PROCUREMENT AND PROJECT TIMESCALES AND GOVERNANCE ARRANGEMENTS

- 6.1 It is proposed to award a direct contract to *send4change* via an exemption to competitive tender. The proposed value of the contract award is £32k for the period January 2018 to April 2018. The cumulative value of the proposed award is £112k (the value of the phase one contract plus the value of the proposed phase 2 contract).
- 6.2 The Council's Contract Procedure Rules (CPR) allow, under para 3.1 and para 13.1 of the CPR, a waiver to competitive tender, subject to approval as per section 13 of the CPR. The cumulative value of the proposed contract with *send4change* is over £100k and therefore Portfolio Holder approval is required.
- The outputs for phase two of the review are set out in section 3.14 of this report
 - Phase two of this review will be monitored in the same way as phase one, details of which are set out in section 3.12
 - Phase two of the review will commence following agreement and sign off and is anticipated to commence towards the end of January 2018 and completed by 30th April 2018
 - The work will be managed and monitored by the SEND Strategic Lead and SEND Operations Manager and accountable through the SEND Governance Board
 - Tender documentation is not relevant as per section 4.2

7. SUSTAINABILITY AND IMPACT ASSESSMENTS

N/A

8. POLICY CONSIDERATIONS

The SEND review, including strategic planning and use of high needs funding relates to a number of key policy documents, that have been taken account of:

- Children and Families Act 2014
- SEND Code of Practice 2015
- Building a Better Bromley

9. IT AND GDPR CONSIDERATIONS

N/A

10. PROCUREMENT RULES

- 10.1 As the value of the proposed exemption and the cumulative value of the contract falls below the values stipulated in the Public Contract Regulations 2015, the matter can be authorised in compliance with the Council's Contract Procedure Rules, without the need to consider any authorisation requirements included in the Regulations.

- 10.2 The actions identified in the report are provided for within the Councils Contract Procedure Rules, and the proposed actions can be completed in compliance with their content.
- 10.3 It should be noted that this proposal was considered by the commissioning board on 8th January 2017 and duly agreed

11. HR CONSIDERATIONS

N/A

12. LEGAL CONSIDERATIONS

- 12.1 The value of the Contract is below the EU threshold for services and therefore not subject to the application of the Public Contracts Regulations 2015. An exception from competitive tendering can be granted under the Council’s Contract Procedure Rule 13.

13. FINANCIAL CONSIDERATIONS

- 13.1 The High Needs Strategic Grant actual and proposed expenditure is listed in the table below

High Needs Strategic Planning Fund	
	<u>£'000</u>
Grant allocation	140
Expenditure - Phase One	80
Outcomes and impact	20
Proposed Phase Two	32
Funding remaining	<u>8</u>

- 13.2 It can be seen that there is sufficient grant available to cover the proposed expenditure, with a small amount of contingency remaining.

Non-Applicable Sections:	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	Appendix 1: SEND review ‘top 10 priorities’ (September 2017) Appendix 2: SEND review – stakeholder engagement

Appendix 1 – Bromley top 10 priorities

Special Educational Needs and/or Disabilities (SEND) Review - Bromley's Top 10 Priorities

1. Engagement with children, young people and their families

Bromley needs to engage in a more positive way with service users. Effective engagement mechanisms need to be in place so that Bromley ensures that its service users are very much part of shaping the local offer to meet the needs of children and young people with SEND.

2. The need to change the “powerless” script

We need to change the script from a “powerless” script to a positive “can do” script. The local authority will provide strong leadership in changing this script and promote a new mantra:

*‘All providers, partners and services have duties and responsibilities to support our most vulnerable children and young people. The local authority and its health partners will ensure that children and young people aged 0-25yrs, who have special educational needs and/or disabilities, are well supported and empowered to lead full and rewarding lives. **ALL** parties in Bromley have a shared and collective responsibility and must play their part. We will work together and challenge each other to allow us to meet our moral and legal obligations’*

3. Improve the support and resources available to mainstream

There is an imbalance between the resources spent on specialist provision and the amount which is spent on the SEND support offer in mainstream schools. This is creating a lack of confidence in the ability of schools to meet the needs of children and young people in their home communities and a lack of confidence for families making choices. This needs to be a long term plan which enables a shift in resources over time.

4. Ensure that there is a robust, consistent Bromley SEN Support Offer

Parents and young people must fully understand what the SEN support across the 0-25 age range looks like and know what outcomes they should expect from their local settings, schools and colleges. The majority of families and young people want local solutions in their local community.

5. Develop partnerships between schools

Schools are best placed to support each other. Bromley needs a school led, school improvement approach to SEN. Bromley needs to build on existing good practice. Some schools are excellent in their approach and provision. It is possible to be both inclusive and outstanding in Bromley.

6. Specialist Provision

Bromley has a range of excellent special schools and resourced provisions, most of which are full, resulting in some children and young people needing specialist provision being placed outside the borough. This is not cost effective and not what most families want. Bromley needs to ensure that its children and young people with the most complex needs have access to placements within their local community.

7. SEMH Arrangements

There are too many permanent exclusions in Bromley. This is not a good solution for vulnerable children. The Pupil Referral Unit (PRU) provides good provision and should continue to develop more effective relationships with all schools in Bromley to ensure that it is used to best effect.

8. Joint Commissioning

A joint commissioning strategy is required which sets out how the offer will be shaped to meet user requirements. Once a positive engagement approach is in place with service users, the mechanisms which bring about change through commissioning and joint commissioning need to bring about positive improvements to the local offer.

9. Involve the Third Sector in improving the local offer

The offer made by charities, support groups and small businesses in Bromley is under-represented in the local offer. Steps should be taken to better engage with Third sector providers in order to maximise the potential they could offer to families in Bromley.

10. Service Structure

Bromley should take the opportunity to shape its organisation to deliver its new set of priorities which will involve:

- A shift of focus to include supporting mainstream schools, settings and partnerships;
- A shift to a school improvement approach for SEN;
- An increased emphasis on engagement and joint commissioning.

These changes will all require a refocused and realigned local authority SEN service offer, which is able to listen, engage, commission, assess, quality assure and manage a range of complex relationships across the local area.

The local authority needs to re-establish itself as the champion of vulnerable children and young people and develop the capacity to provide positive support and challenge to bring about positive change.

HIGH NEEDS STRATEGIC PLANNING FUND REVIEW: SPECIAL EDUCATIONAL NEEDS AND DISABILITY- PROCUREMENT OF SHORT TERM CONTRACT

Appendix 2 – SEND review stakeholder engagement

The following stakeholder groups and services across the local area have been involved in the SEND review, which has included individual and service meetings, focus groups, conferences and follow up work with a range of groups:

Bromley Parent Voice
Parent carers
Young people
Primary head teachers, inclusion leads and SENCOs
Secondary head teachers, inclusion leads and SENCOs
Special School head teachers
Primary Governors
Secondary Governors
Early Years providers
Further Education College
CAMHS
Public Health
Clinical Commissioning Group
Access & Inclusion
Early intervention
Finance
Sensory Support Team
SEND service (various representation)
Strategic pupil place planning lead
Educational Psychology
Independent Advice and Support Service
Commissioning
Independent Supporters
Post-16 Preparing for Adulthood Team
Children's Social Care
Adult Social Care
Pupil Referral Units
Inclusion Support and Advice Team
Bromley Wellbeing
Youth Offending Service
Bromley Healthcare
LBB Senior Leaders
Bromley Councillors