

	<h2>CHIEF OFFICER IN CONSULATION WITH COMMITTEE CHAIRMAN DELEGATED POWERS REPORT</h2>
<b>Title</b>	<b>Contract award for children’s Integrated Therapies (health, social care and education), occupational therapy, physiotherapy and speech and language therapy</b>
<b>Report of</b>	Strategic Director for Children and Young People
<b>Wards</b>	All
<b>Status</b>	Public
<b>Enclosures</b>	None
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### Summary

To note the award of the Integrated Children’s Therapies contract reference PRJ 451 to North East London Foundation Trust.

The contract includes the provision of, occupational therapy, including social care (OT), physiotherapy (PT) and speech and language therapy (SLT) for children 0-18 and up to 25 with an EHCP for 3 years with an option to extend for a further 2 years subject to budget and performance.

Barnet’s Children’s Joint Commissioning Unit led the procurement on behalf of the London Borough of Barnet, Cambridge Education and Barnet Clinical Commissioning Group (CCG) with the CCG being the lead authority in the procurement exercise. Appropriate procurement support and processes were followed, demonstrating that the service was procured through a competitive and meaningful process in line with the NCL CCG’s Standing Financial Instruction’s / Prime Financial Policies (PFPs).

## Decisions

The Council as co-commissioner with Barnet Clinical Commissioning Group (CCG) is recommended to:

1. Formally note the award of the contract for Children's Community Integrated Therapies Service (Occupational Therapy, Physiotherapy & Speech and Language Therapy) within the London Borough of Barnet, to North East London Foundation Trust (NELFT).
2. Note that the Children's Community therapies services is to be commissioned through a NHS contract with NELFT for an initial period of three years, with an option to extend for a further two.
3. To authorise officers, specifically the children's joint commissioning unit, to amend the current children's therapies section 75 schedules to reflect the new services, contract and finance.

### 1. WHY THIS REPORT IS NEEDED

- 1.1 The purpose of the report is to detail the procurement process for a "Children's Community Integrated Therapies Service" and the outcome of the evaluation process and to note the award of the contract and agree joint commissioning arrangements for the duration of the contract.
- 1.2 This paper summarises the (Open Tender Procurement) process that was undertaken in accordance with the Barnet CCGs Procurement policies. It demonstrates that the service was procured through a competitive and meaningful process in line with the NCL CCG's Standing Financial Instruction's / Prime Financial Policies (PFPs).
- 1.3 The successful bidder is North East London NHS Foundation Trust – mobilisation is expected from March 2018 with service commencing on 1 September 2018. A scoring summary is set out below:

Provider	NELFT	Bidder 2	Bidder 3
Score	78%	66%	60%

- 1.4 It has been acknowledged that NELFT do not have a footprint in Barnet, however they have indicated a knowledge of the area and commitment to work positively here.

### 2. REASONS FOR RECOMMENDATIONS

- 2.1 To consolidate and improve joint commissioning arrangements to improve the services received by children, young people and their families.

- 2.2 To ensure that the LA and CCG meet the statutory requirements as set out in the Children and Families Act 2014, through meeting the provision for young people with an EHCP up to 25 years.
- 2.3 To ensure an efficient, responsive, integrated and outcome focused service that will meet the needs of children and young people in Barnet. This will result in improved patient and family experience by reducing waiting times, providing better prevention, resilience building, and early intervention.

### 3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 There were two other bidders, but as noted in 1.3 NELFT scored higher than the other two providers and the total score met the threshold to deliver a service that would meet the tender and specification.

### 4. POST DECISION IMPLEMENTATION

- 4.1 The Children's Joint Commissioning Unit (CJCU) will initiate contract negotiations with **NELFT** and proceed to signing of the NHS Contract.
- 4.2 It is anticipated that the following timetable will be implemented;

Period	Activity
April to August 2018	De-commission of current therapy services (OT,PT,SLT).
April to August 2018	Finalisation of contract documents and schedules with preferred bidder.
September 2018	Commencement and implementation of integrated children's therapy contract.
September to August 2019	Initiate year 1 of service delivery, inclusive of performance reporting.

- 4.3 Contract monitoring and management is to be implemented promptly for the new contract to ensure that the contract is delivered in accordance with tender requirements and the new contract.

### 5. IMPLICATIONS OF DECISION

#### 5.1 Corporate Priorities and Performance

- 5.1.1. The contract award to NELFT aligns with Barnet's Council's 2015-20 Corporate Plan which is based on the core principles of fairness, responsibility and opportunity to make sure Barnet is a place:

- Of opportunity, where people can further their quality of life
- Where people are helped to help themselves, and recognise prevention is better than cure.

- 5.1.2. The new provider will support Barnet's Children, Young People Plan 2016-20 for

Barnet to be the most family friendly Borough by 2020 where families are safe, healthy, resilient, knowledgeable, responsible, and services work with them so they are informed and listened to.

5.1.3. The Health and Wellbeing Board has developed a vision for health and social care integration in Barnet as set out within the Joint Health and Wellbeing Strategy 2015-2020. The Council and the NHS Barnet Clinical Commissioning Group, through the Health and Wellbeing Board, approved the delivery of a programme to integrate health and social care services in partnership with a range of local partners.

5.1.4. The new provider will support Barnet's, Special Educational Needs and Disabilities (SEND) Strategy 2017–2020. The strategy sets out our vision and strategic priorities and describes how Barnet propose to deliver against these, including how Barnet are responding to the recent SEND reforms and changes in local demand in order to achieve the best possible outcomes for children and young people aged 0-25 with SEND.

**5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 An Open Tender Procurement process was undertaken in accordance with the Barnet CCGs Procurement policies. It demonstrates that the service was procured through a competitive and meaningful process, in line with NCL CCG's Standing Financial Instructions/Prime Financial Policies (PEPs). The children's community therapies services contract is for a three year term with an option to extend for a further two years subject to review.

5.2.2 The contract value over five years is £9,890,019 million. This is **£3,296,673** per year, including **£2,553,883** from NHS CCG Barnet. The Contract share breakdown is detailed below:

LBB	Budget allocation per annum	£584,790
Cambridge Education	Budget allocation per annum	£158,000
Barnet CCG	Budget allocation per annum	£2,553,883

5.2.3 The Financial commitment from LBB will be funded via Dedicated Schools Grant (DSG) and Family Services budget.

5.2.4 The new contract will maximise the current resources in a sustainable manner and provide a high quality and efficient service for children in need of therapy services. Building capacity in universal services to provide support at universal and targeted level.

5.2.5 The procurement has TUPE implications for staff working in the current NHS provider organisations. Tenderers were provided with all TUPE information as part

of the tender process. There are no TUPE implication for the posts in Social Care Occupational therapy as these posts are currently vacant.

- 5.2.6 The services will run from a variety of community venues including schools, 0-19 hubs, clinics and children and young people's homes and supports care closer to home.

### 5.3 **Social Value**

- 5.3.1 The Public Services (Social Value) Act 2013 was considered by commissioners. Within the tender the provider demonstrated how they will meet the social value requirements year on year and how they will develop the future workforce of Barnet.

### 5.4 **Legal and Constitutional References**

- 5.4.1 Legal note that a competitive procurement process has been carried out in accordance with The Public Contracts Regulations 2015.
- 5.4.2 The tender evaluation and award process, outlined in this report has produced the most economical and advantageous tender in accordance with The Public Contracts Regulations 2015 and the Council's duty to provide value for money. Given that the financial commitment is within the current budget allocation for these services, the appropriate authorisation route is via Officer DPR in Consultation with the Chairman.
- 5.4.3 In undertaking the design of the specification and from having consulted with the various stakeholders to contribute towards this, the procurement process for this project has properly considered and assessed social value throughout in accordance with the Social Value Act 2013.

### 5.5 **Risk Management**

- 5.5.1 It is not considered that the issues involved are likely to raise significant levels of public concern or give rise to policy considerations as the tender processes included a requirement for a detailed transition plan to ensure continuity of service for services users and a smooth transition to the new provider.
- 5.5.2 The tender process required an assessment of the key risks the Provider may face over the first six months of the contract. As part of mobilisation NELFT will provide a list of key risks and the actions taken or to be taken to manage and mitigate those risks.

### 5.6 **Equalities and Diversity**

- 5.6.1 The Equality Act 2010 requires public authorities to pay due regard to the need to:-
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
  - Advance equality of opportunity between people from different groups;

- Foster good relations between people from different groups.

5.6.2 This places a legal obligation on the public authorities/Council to pay due regard to equalities in an appropriate and proportionate manner and to take account of how the Council's decisions might impact on different groups across the borough including those identified in equality legislation as protected characteristics, namely: Age, disability, gender, gender reassignment, marriage, civil partnership, pregnancy and maternity, sexual orientation and religion or belief.

5.6.3 The Tender submission provided by North East London Trust reinforce their corporate approach to equality and diversity which is reflected through the Trust's policy, training and service operation.

5.6.4 The NHS contract relates to all groups with "protected characteristics" and prohibits discrimination under the Equality Act 2010. The contract is aligned to the principles and duties of the Equality Act. Under the National Health Service Act 2006 as amended by the Health and Social Care Act 2012, CCGs and NHS England have duties in relation to health inequalities in the following areas:

- regard to the need to reduce inequalities between patients in access to health services and the outcomes achieved (s.13G and s.14T);
- Exercise their functions with a view to securing that health services are provided in an integrated way, and are integrated with health-related and social care services, where they consider that this would improve quality and reduce inequalities in access to those services or the outcomes achieved (s13N and s.14Z1);

## 5.7 Corporate Parenting

5.7.1 There are currently approximately 80 Looked after Children (LAC) in Barnet with an Education, Health and Care plan. The provider will prioritise LAC so that they have quick, easy and timely access to services.

## 5.8 Consultation and Engagement

5.8.1 A formal consultation was not required in this procurement, however during the review and procurement exercise patient and wider stakeholder engagement took place, including children, young people and families. This informed the tender process and new contract. The tender evaluation panel had a parent representative and involved young people in the process, the parent was also a member of the interview panel.

## 5.9 Insight

5.9.1 The Joint Strategic Needs Assessment was used to inform the tender and the service delivery model will respond to the expected increase in Barnet child population and SEND demand.

## 6 BACKGROUND PAPERS

- 6.1 CCG Commissioning Intentions 17/18 and 18/19, LBB Annual procurement plan 17/18 CCG, Programme Oversight & Delivery Group 17<sup>th</sup> January 2017, CCG, Finance, Performance and Quality Committee Thursday 23 March 2017, CCG, Finance, Performance and Quality Committee 27<sup>th</sup> April 2017, Health & Wellbeing Board Joint Commissioning Executive 25<sup>th</sup> April 2017, Barnet CCG Governing Body Full Business Case 28 September 2017, Finance, Performance and QIPP Committee, 22<sup>nd</sup> February 2018 – Note the award report. CCG Governing Body Feb 2018 approval of contract award.

Chairman:

Has been consulted

Signed

14/09/2018-----

Date

Chief Officer:

Decision maker having taken into account the views of the Chairman

Signed

Date

14/09/2018-----