



**Children, Education and Safeguarding Committee  
13 September 2021**

<b>Title</b>	<b>Children's Integrated Therapies - award of contract to new provider</b>
<b>Report of</b>	Chair of the Children, Education and Safeguarding Committee
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	Yes
<b>Key</b>	Yes
<b>Enclosures</b>	No
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**Summary**

A report was presented to Urgency Committee on 8<sup>th</sup> July 2021 setting out the requirement to undertake an urgent procurement, led by North Central London Clinical Commissioning Group (NCL CCG) as the lead commissioner, to secure a new provider for the Children's Integrated Therapy Service. This was due to the incumbent provider; North East London NHS Foundation Trust (NELFT) stepping away from North Central London Integrated Care Partnership (NCL ICP) and serving notice on the contract.

The committee agreed the following recommendations to be implemented:

- 1. That Urgency Committee agree to jointly procure the Integrated Therapies Service with the CCG, as lead commissioner, through a Negotiated Procedure**
- 2. That Urgency Committee agrees to enter into a two-year contract with the successful bidder and agrees to the Council's contribution of £583,905 for each of the two years**
- 3. That authority is delegated to the Executive Director for Children and Young People, in consultation with the Chairman of the Children, Education and Safeguarding Committee, to implement the decision**

#### **Officers Recommendations**

**That Children, Education and Safeguarding Committee note the award of a two year contract (1<sup>st</sup> September 2021-31st August 2023) with Whittington Health NHS Trust for the provision of Children's Integrated Therapies.**

**Total cost of a two-year contract is £ 6,611,024. The Local Authority's contribution is £1,167,810 through DSG and BELS core funding**

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 Following approval by Urgency Committee the Council entered into a joint procurement exercise with NCL CCG (the lead commissioner) to identify a provider to deliver children's therapy provision. This report informs committee of the outcome of that exercise which is to award a two-year contract to the Whittington Health NHS Trust. The report also informs committee of the work that is taking place to recover the service and improve performance.
- 1.2 At the beginning of the pandemic, health services were re-directed to support hospitals in the treatment and care of patients with Covid-19 and have been required to give ongoing support to help deal with the pandemic. This has reduced the capacity of some of the services in health, including therapies to deliver on their core duties. There have been considerable difficulties with capacity, recruitment and retention of staff over the last 12 months. These difficulties are not isolated to Barnet, and many other local authorities are also experiencing problems in delivering therapy services.
- 1.3 Prior to the procurement exercise, to secure a new provider, the local authority, BELS, the CCG and NELFT (incumbent provider) have been working very closely to prioritise and increase the therapy support available to children and families, and schools. This included working with individual private therapists and other private providers to secure more therapists to undertake assessments and delivering therapies to children with therapy provision in their EHC Plan.
- 1.4 In addition to the work being undertaken to obtain and deliver more therapy support BELS has also put together a recovery package of support for schools. This includes offering all mainstream primary and secondary schools in Barnet access to a qualified private Speech and Language Therapist who will train school staff and facilitate small group support for pupils with a lower level

of need who will benefit from a language enrichment programme. This started in June and will be repeated in the Autumn term. From September, the Language Enrichment Programme will be extended to Early Years providers, including PVI's, and there will also be a Language Enrichment training programme for parents and carers. BELS have also commissioned two private Occupational Therapists to deliver a programme of support for Reception, Yr1 and Yr2 pupils from September. This is for children with 'low level' Occupational Therapy needs, including core stability, fine motor skills and handwriting skills. To help increase OT capacity, BELS are working with an independent OT provider to offer a seconded role of OT Assistant to a Teaching Assistant in one of the special schools.

- 1.5 Transfer of the service from NELFT to Whittington Health NHS Trust will begin in September with mobilisation complete by the end of the year and no later than end March 2022.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 Whittington Health submitted a bid that met all quality criteria and demonstrated ability to deliver children's integrated therapy services, as specified within the specification and accompanying documents. They demonstrated that they have experience of delivering similar services within the North Central London ICP footprint.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMEND**

- 3.1 Contract extension-is not an option-NELFT has served notice.
- 3.2 Enter into a Section 75 agreement directly with another NHS Trust within the NCL sector-not a recommended option as the NCL CCG has established that there are several interested providers within the sector.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 CCG and Council commissioners will jointly monitor contract performance and will work collaboratively with Whittington Health on a plan of recovery and improvement.
- 4.2 There will be a phased mobilisation of the new contract starting in September with aim to complete by the end of the year but no later than March 2022.
- 4.3 Staff consultation prior to TUPE transfer will take place during the autumn for 45 day.
- 4.4 A full procurement exercise will be undertaken at the end of the contract term to establish a longer-term provider.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.2 Provision of a well performing therapies service supports the council's priorities: Family Friendly - enabling opportunities for our children and young people to achieve their best; Clean, Safe and well run-providing good quality services; Healthy-enabling CYP to live healthy, happy lives.

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

- 5.4 Total cost of a two-year contract is £ 6,611,024. The Local Authority's contribution is £1,167,810

through DSG and BELS core funding.

- 5.5 A joint procurement using negotiated procedure was led by NCL Clinical Commissioning Group as Lead Commissioner. One bid was received by Whittington Health NHS Trust. Evaluation undertaken by a panel of NHS and Council Officers and parent carers concluded that the Whittington Health NHS Trust meets all quality requirements and that the contract should be awarded.

## 5.6 **Legal and Constitutional References**

- 5.6.1 Regulation 32 (2) (c) of the Public Contracts Regulations 2015 allows contracting authorities to award public contracts by a negotiated procedure without prior publication of a contract on Find a Tender where "insofar as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the contracting authority, the time limits for the open or restricted procedures or competitive procedures with negotiation cannot be complied with". For reasons set out in the report, the Council was not able to undertake a full procurement exercise and will be awarding a contract, to maintain this crucial service in line with Regulations 32 (2) c of the Public Contracts Regulations 2015.
- 5.6.2 The Lead Commissioner has determined the approach and gauged levels of risk associated with this approach.
- 5.6.3 Section 42 of the Children and Families Act 2014 imposes the duty to secure special educational provision and health care provision in accordance with the child's EHC Plan.
- 5.6.4 Under the Council's Contract Procedure Rules the Authorisation and Acceptance Thresholds authorisation to award a contract where the contract value exceeds £500k, is if within Budget Officer Delegated Power Report, which has been published.

## 5.7 **Insight**

- 5.7.1 Information provided during the procurement exercise informed the decision to award contract.

## 5.8 **Social Value**

- 5.8.1 The Public Services (Social Value) Act 2013 requires people who commission public
- 5.8.2 services to think about how they can also secure wider social, economic and environmental benefits. Before commencing a procurement process, commissioners should think about whether the services they are going to buy, or the way they are going to buy them, could secure these benefits for their area or stakeholders.

## 5.9 **Risk Management**

- 5.9.1 Risks are monitored by the project group overseeing the procurement and the improvements and escalated through the individual escalation routes of the CCG and Local Authority.

## 5.10 **Equalities and Diversity**

- 5.10.1 The 2010 Equality Act outlines the provisions of the Public-Sector Equalities Duty which requires Public Bodies to have 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

5.11 The broad purpose of this duty is to integrate considerations of equality into day business and keep them under review in decision making, the design of policies and the delivery of services.

5.12 Equalities and diversity considerations are a key part of delivering an accessible and responsive therapies services. Data will be monitored regularly to enable providers and commissioners to identify and respond to any practice issues that need addressing.

### 5.13 **Corporate Parenting**

5.13.1 The corporate parenting principles set out seven principles that local authorities must have regard to when exercising their functions in relation to looked after children and young people, as follows:

- to act in the best interests, and promote the physical and mental health and wellbeing,
- of those children and young people;
- to encourage those children and young people to express their views, wishes and feelings;
- to take into account the views, wishes and feelings of those children and young people;
- to help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners;
- to promote high aspirations, and seek to secure the best outcomes, for those children and young people;
- for those children and young people to be safe, and for stability in their home lives, relationships and education or work; and;
- to prepare those children and young people for adulthood and independent living.

5.13.2 Ensuring that our looked after children receive timely and quality therapy provision is essential to supporting positive development and outcomes.

### 5.14 **Consultation and Engagement**

5.14.1 There has been regular engagement with the Barnet Parent Carer Forum and with schools to obtain their feedback on provision and to inform them of what is happening to make improvements. Parents, carers, schools and partners were written to at the end of May and there were two 'open sessions' on therapies for parent carers which took place in July. Senior officers from the local authority, BELS, Whittington Health, NELFT and the CCG attended these sessions to respond to questions and concerns. Parent Carers were involved in the procurement exercise as members of the panel evaluating the bid.

## 6. **BACKGROUND PAPERS**

[Agenda for Urgency Committee on Thursday 8th July, 2021, 12.00 pm \(moderngov.co.uk\)](https://www.moderngov.co.uk/agenda/2021/07/08/urgency-committee)