
Contract Award for the Children and Young Peoples Therapies Service

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| Committee considering report: | Executive |
| Date of Committee: | 15 December 2022 |
| Portfolio Member: | Councillor Dominic Boeck |
| Date Portfolio Member agreed report: | 20 October 2022 |
| Report Author: | Millie Smith/Jane Seymour |
| Forward Plan Ref: | EX4181 |

1 Purpose of the Report

- 1.1 To seek authority to enter into an Inter Authority Agreement (IAA) to work in partnership with Wokingham Borough Council (Lead Authority) & Brighter Futures For Children Ltd (Reading) to deliver the Children and Young People's Integrated Therapies Service. Within this agreement we will agree to Wokingham Borough Council entering into a Service Contract with a provider on behalf of Wokingham Borough Council, Brighter Futures For Children Ltd. and West Berkshire Council.

2 Recommendation

The Executive resolves to approve the Inter Authority Agreement with Wokingham Borough Council and Brighter Futures for Children Limited (Reading Borough Council) for integrated therapies service under a contract let by Wokingham Borough Council and to delegate authority to Service Lead Legal & Democratic Services in consultation with Head of Education to finalise and enter into the IAA.

3 Implications and Impact Assessment

| Implication | Commentary |
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| Financial: | <p>The Commencement date of this contract is 1st April 2023.</p> <p>We will only purchase the number of sessions that we need to meet the demand of the service for the year up to a pre-specified ceiling price. The number of sessions required to meet statutory need will be monitored as part of contract management meetings. If the number of children requiring therapies as part of their Education, Health & Care Plan (EHCP) reduces then the Council will purchase less sessions.</p> |

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| | <p>Should the number of children requiring therapies in their EHCP increase then the number of sessions will increase accordingly. However if the need increases above the ceiling price then this would require agreement from the service and Heads Funding Group prior to delivery.</p> <p>This increase in cost was factored in to the proposed 2023-24 High Needs Block budget which was approved by the Heads Funding Group on 5th October 2022 and by the School's Forum on 17th October 2022.</p> <p>There is not an inflationary element built into this contract but the provider can apply for an uplift. However, the agreement of the uplift would be at the sole discretion of the Wokingham Borough Council as Lead Authority (with prior agreement from Wokingham Borough Council, West Berkshire District Council and Brighter Futures For Children Ltd.)</p> <p>Andy Walker 17 October 2022</p> |
| Human Resource: | N/A |
| Legal: | <p>The IAA between the Council, Wokingham Borough Council and Brighter Futures for Children Limited enables Wokingham Borough Council to award a services contract on behalf of all three local authorities.</p> <p>The IAA governs the management of that service contract for its duration (an initial 5 years with an option of 3 year extension).</p> <p>The IAA also sets out the parties' financial commitments over the term of the Service contract. Any party must give at least 14 months' notice to exit the IAA prior to the 5 year term and such early exit will result in that party being liable for all direct and indirect losses under the services contract (as will any breach of the IAA).</p> <p>The IAA is supplemented by an MOU between the parties which outlines governance processes and decision making in relation to the CYPIT services. A commitment is made in the MOU to a contribution by each LA to Wokingham Borough Council in respect of project management costs. It will be necessary to finalise the IAA.</p> |

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| | <p>Wokingham Borough Council's tender process has now concluded and one provider have been given preferred bidder status.</p> <p>Claire Say 7th October 2022</p> | | | |
| Risk Management: | <p>Wokingham Borough Council are the lead commissioning authority. A market engagement event was carried out prior to going out to tender to understand the market appetite for the new service model delivery. Responses to the market engagement event indicated that there are limited providers in the market that can deliver this service. This event also helped to inform the specification.</p> | | | |
| Property: | N/A | | | |
| Policy: | <p>Health and Wellbeing Strategy, Council Strategy, West Berkshire Vision and (special educational needs and disabilities) SEND strategy. Principles of these will be used to inform the service's aims, objectives, delivery and outcomes.</p> | | | |
| | Positive | Neutral | Negative | Commentary |
| Equalities Impact: | | | | |
| A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality? | | X | | <p>This service will provide an integrated service provision for Children and Young People in West Berkshire and across Berkshire West.</p> |

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| B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users? | | X | | |
| Environmental Impact: | | X | | |
| Health Impact: | X | | | <p>The service will have the following positive impacts:</p> <p>Enable parents and carers to identify problems early so that children can benefit from early help.</p> <p>Use the evidence gained from the assessment of the child's skills, condition, context and family expectations and situation, to negotiate and agree an individual care plan for that child, to be supported by the most appropriate people.</p> <p>Minimise the dependence on therapy input by enabling families to self-manage their child's development.</p> <p>Encourage and support the wider children's workforce to create an environment in which children with communication, mobility, sensory and/or motor needs can assess all aspects of ordinary life and develop to their full potential.</p> |
| ICT Impact: | | X | | |
| Digital Services Impact: | | X | | |

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| Council Strategy Priorities: | X | | | <p>This report will meet the following Council Strategy priorities:</p> <p>Ensure our vulnerable children and adults achieve better outcomes</p> <p>Support everyone to reach their full potential</p> |
| Core Business: | X | | | <p>The new contract will offer an integrated service provision for Children and Young Peoples Therapy Services across West Berkshire and Berkshire West as well as a more up to date service that offers a good range of interventions and access opportunities.</p> |
| Data Impact: | | X | | |
| Consultation and Engagement: | <p>Public consultation and a needs assessment was carried out with service users, potential providers and the local community</p> | | | |

4 Executive Summary

- 4.1 This report informs Executive of the intention to enter into an Inter Authority Agreement (IAA) with Wokingham Borough Council, West Berkshire Council and Brighter Futures For Children to work in partnership to deliver the Children and Young Peoples Integrated Therapies Service. Under the IAA, Wokingham Borough Council have procured and let the contract on behalf of West Berkshire Council and Brighter Futures for Children.
- 4.2 The Inter Authority Agreement establishes the terms of collaboration between the parties with the aim of achieving best value in the provision of the Services and with the intention of improving them for all their residents.
- 4.3 West Berkshire Council have joined Wokingham Borough Council (Lead Authority) and Brighter Futures for Children Ltd. to commission this service.
- 4.4 The service provides speech and language therapy, occupational therapy and physiotherapy for children with SEND (special educational needs & disabilities) who have a statutory entitlement to access such therapies as part of an Education, Health and Care Plan (EHCP).
- 4.5 The preferred option for procurement was approved by Procurement Board on 14th December 2021. Once approval has been sought from the Executive to sign the Inter Authority Agreement, Wokingham Borough Council will award this contract to the preferred bidder.

5 Supporting Information

Introduction

- 5.1 The Inter Authority Agreement sets out the basis on which Wokingham Borough Council (Lead Authority) will manage the Service Contract on behalf of Wokingham Borough Council, West Berkshire Council and Brighter Futures For Children Ltd. and the parties' respective obligations.
- 5.2 The parties agree to collaborate and work together in good faith and use reasonable endeavours to deliver the project and achieve the Objectives.
- 5.3 Following the submission and approval of the procurement strategy report on 14th December 2021 to Procurement Board. The tender was advertised on Wokingham Borough Council's procurement portal in February 2022.
- 5.4 One bid was received which was evaluated against set criteria by representatives from each Local Authority and two schools.
- 5.5 Extended discussions were necessary in order to clarify the information submitted in the providers bid which has resulted in a lengthy evaluation process. Due to the extended evaluation a seven month extension was approved by Procurement Board until 31st March 2023.

Background

- 5.6 A decision was taken by Berkshire West Executive Directors to jointly commission the service with Brighter Futures for Children and Wokingham Borough Council, with Wokingham acting as the lead authority. A significant amount of work has been done over the last 18 months to achieve a joint commissioning arrangement across the three Councils, including agreement on a joint service specification and performance measures.
- 5.7 Wokingham Borough Council, West Berkshire Council and Brighter Futures For Children have agreed to work in partnership and enter into an Inter Authority Agreement in order to establish the terms of collaboration between the parties with the aim of achieving best value in the provision of the Services and with the intention of improving them for all their residents.
- 5.8 The Memorandum of Understanding for Integrated Therapies sets out how the Parties have agreed to work together in order to procure the integrated children and young people's therapy service contract with a provider dating from 1st April 2023 expiring on 31st March 2028 with the option to extend for up to a further three years subject to satisfactory performance and mutual agreement of the parties and have agreed that the contract will be managed by Wokingham Borough Council on their behalf.
- 5.9 The purpose of the service is to provide the relevant therapy intervention, as set out in the child's Education, Health and Care Plan, in order to support the child's development, improve their access to the curriculum and ultimately support them in achieving their potential and maximising their life chances.

- 5.10 It should be stressed that the service only provides speech and language therapy, occupational therapy and physiotherapy where this is stipulated as an educational need in a child's Education, Health and Care Plan (EHCP), and is therefore the statutory duty of the Local Authority to provide. It does not provide these therapies for children without EHCPs and does not include therapy assessments as part of the Education, Health and Care assessment process, as these are clearly health responsibilities and are commissioned by the Integrated Care Board (ICB).
- 5.11 Following the submission of the procurement strategy report the advertisement was published on 10 February 2022 and the tender went live on the Wokingham procurement portal and was also published on Contracts Finder as well as Find a Tender Service (FTS).
- 5.12 The proposed contract commencement date is 1st April 2023 for an Initial Term of 5 Years and the option to extend for additional 3 years.
- 5.13 The tenders were evaluated on 40% price and 60% quality/technical criteria. Social value was incorporated as part of the quality questions.
- 5.14 Providers were asked to specify the price per session broken down into physiotherapy, occupational therapy & speech and language therapy (SALT).
- 5.15 The current contract provides 59 therapy sessions per week, West Berkshire have estimated that to meet current demand we will need to purchase 69.8 sessions per week. A session is the equivalent of half a day per week of a therapist's time. These sessions are distributed across special schools, resourced schools and mainstream schools according to need.
- 5.16 We will only purchase the number of sessions that we need to meet the demand of the service for the year up to a pre-specified ceiling price. The number of sessions required to meet statutory need will be monitored as part of contract management meetings. If the number of children requiring therapies as part of their EHCP reduce then we will purchase less sessions. If the number of children requiring therapies in their EHCP increases then the number of sessions will increase accordingly. However if the need increases above the ceiling price, then this would need to be agreed by the Service and Heads Funding Group prior to delivery.
- 5.17 The service will be subject to contract monitoring throughout the contract term, the main aim of this being to ensure that the requirements of the contract and service specification are adhered to. Contract monitoring will be led by Wokingham Borough Council on behalf of the parties to the contract. The Provider will report on the delivery and performance of the Service to Wokingham Borough Council on a termly basis. Wokingham Borough Council will arrange termly Contract Review meetings which require the attendance of the Provider.
- 5.18 The contract price has seen relatively small inflationary uplifts but the number of sessions of therapy purchased has not been changed significantly for several years in spite of increases in the number of children who have therapy written into their Education and Health Care Plans (EHCP). This has resulted in the service being stretched and some children have not received the therapy set out in the EHCPs.

6 Other options considered

The following alternative options for the service were considered and discounted.

- 6.1 Undertake full tender for West Berkshire Council only. This option was considered and discounted as partnering with neighbouring authorities will achieve economies of scale and better value for money.
- 6.2 Do nothing and let the current contract lapse with no future provision. This is not an option due to the statutory nature of the service
- 6.3 Provide the service in-house. The Council do not have the necessary skills to deliver this service and it is not considered economically viable to pursue this option.

7 Conclusion

- 7.1 The Executive resolves to approve the Inter Authority Agreement with Wokingham Borough Council and Brighter Futures for Children Limited (Reading Borough Council) for integrated therapies service under a contract let by Wokingham Borough Council and to delegate authority to Service Lead Legal & Democratic Services in consultation with Head of Education to finalise and enter into the IAA.

8 Appendices

- 8.1 Appendix A – Equalities Impact Assessment
- 8.2 Appendix B – Data Protection Impact Assessment

Subject to Call-In:

Yes: ☒ No: ☐

- | | |
|--|--------------------------|
| The item is due to be referred to Council for final approval | <input type="checkbox"/> |
| Delays in implementation could have serious financial implications for the Council | <input type="checkbox"/> |
| Delays in implementation could compromise the Council's position | <input type="checkbox"/> |
| Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months | <input type="checkbox"/> |
| Item is Urgent Key Decision | <input type="checkbox"/> |
| Report is to note only | <input type="checkbox"/> |

Officer details:

Name: Millie Smith/Karen Felgate
Job Title: Childrens Commissioner/Service Manager

Tel No: 01635 519586
E-mail: Karen.felgate@westberks.gov.uk

Appendix A

Equality Impact Assessment (EqIA) - Stage One

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| What is the proposed decision that you are asking the Executive to make: | Contract Award – Children and Young People's Therapies Service |
| Summary of relevant legislation: | |
| Does the proposed decision conflict with any of the Council's priorities for improvement? <ul style="list-style-type: none"> • Ensure our vulnerable children and adults achieve better outcomes • Support everyone to reach their full potential • Support businesses to start develop and thrive in West Berkshire • Develop local infrastructure including housing to support and grow the local economy Maintain a green district • Ensure sustainable services through innovation and partnerships | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Name of Budget Holder: | Michelle Sancho |
| Name of Service/Directorate: | People |
| Name of assessor: | Millie Smith |
| Date of assessment: | 3rd October 2022 |
| Version and release date (if applicable): | |

| Is this a ? | | Is this policy, strategy, function or service ... ? | |
|------------------|---|---|---|
| Policy | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | New or proposed | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Strategy | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Already exists and is being reviewed | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Function | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Is changing | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Service | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | | |

| (1) What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it? | |
|---|---|
| Aims: | Provision of a Children and Young Peoples Integrated Therapies Service for Berkshire West |

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| Objectives: | <p>To maximise the potential for all children that are referred to the service by assessing, advising, training and working with relevant others to provide the right intervention that brings about a positive impact.</p> <p>To use the evidence gained from the assessment of the child's skills, condition, context and family expectations and situation, to negotiate and agree an individual care plan for that child, to be supported by the most appropriate people.</p> <p>To advise, train and support parents/carers in the delivery of the care plan.</p> <p>To enable parents and carers to identify problems early so that children can benefit from early help.</p> <p>To minimise the dependence on therapy input by enabling families to self-manage their child's development.</p> <p>To encourage and support the wider children's workforce to create an environment in which children with communication, mobility, sensory and/or motor needs can assess all aspects of ordinary life and develop to their full potential.</p> |
| Outcomes: | This service will provide an improved, recovery focused, evidence based, and cost-effective integrated service for children and young people. |
| Benefits: | The specification will provide an up to date service that offers a good range of interventions and access to wider opportunities |

(2) Which groups might be affected and how? Is it positively or negatively and what sources of information have been used to determine this?

| Group Affected | What might be the effect? | Information to support this |
|-----------------------|----------------------------------|--|
| Age | Positive | Contract monitoring, KPI data and meetings. Consultation taken place as part of procurement with service users, providers. |
| Disability | Positive | Contract monitoring, KPI data and meetings. Consultation taken place as part of |

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| | | procurement with service users, providers. |
| Gender Reassignment | N/A | |
| Marriage and Civil Partnership | N/A | |
| Pregnancy and Maternity | Positive | Contract monitoring, KPI data and meetings. Consultation taken place as part of procurement with service users, providers. |
| Race | Positive | Contract monitoring, KPI data and meetings. Consultation taken place as part of procurement with service users, providers. |
| Religion or Belief | N/A | |
| Sex | N/A | |
| Sexual Orientation | N/A | |
| Further Comments: | | |
| N/A | | |

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| (3) Result | |
| Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| | |
| Will the proposed decision have an adverse impact upon the lives of people, including employees and service users? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| | |

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a EqlA 2.

If an EqlA 2 is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the EqlA guidance and template – <http://intranet/index.aspx?articleid=32255>.

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| (4) Identify next steps as appropriate: | |
| EqlA Stage 2 required | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |

| | |
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| Owner of EqlA Stage Two: | |
| Timescale for EqlA Stage Two: | |

Name: **Millie Smith**

Date: 3rd October 2022

Please now forward this completed form to Pamela Voss, Equality and Diversity Officer (pamela.voss@westberks.gov.uk), for publication on the WBC website.

Appendix B

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

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| Directorate: | People |
| Service: | Education |
| Team: | SEN Inclusion and Disabled Children |
| Lead Officer: | Jane Seymour |
| Title of Project/System: | Children's and Young People's Therapies Service |
| Date of Assessment: | 1 st March 2022 |

Do you need to do a Data Protection Impact Assessment (DPIA)?

| | Yes | No |
|---|--------------------------|-------------------------------------|
| Will you be processing SENSITIVE or “special category” personal data? <small>Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation”</small> | <input type="checkbox"/> | <input type="checkbox"/> |
| Will you be processing data on a large scale? <small>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</small> | <input type="checkbox"/> | <input type="checkbox"/> |
| Will your project or system have a “social media” dimension? <small>Note – will it have an interactive element which allows users to communicate directly with one another?</small> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Will any decisions be automated? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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| | Yes | No |
|---|--------------------------|-------------------------------------|
| Note – does your system or process involve circumstances where an individual's input is "scored" or assessed without intervention/review/checking by a human being? Will there be any "profiling" of data subjects? | | |
| Will your project/system involve CCTV or monitoring of an area accessible to the public? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Will you be using the data you collect to match or cross-reference against another existing set of data? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Will you be using any novel, or technologically advanced systems or processes? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Note – this could include biometrics, "internet of things" connectivity or anything that is currently not widely utilised | | |

If you answer "Yes" to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.