

**Report of Vine Therapy Contracts Project Team**

**Report to Deputy Director – Safeguarding, Specialist & Targeted Services**

**Date: 18/02/15**

**Subject: Waiver of Contract Procedure Rules to award a contract for Occupational Therapy and Physiotherapy to Leeds and York Foundation NHS Partnership Trust**



Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

1. The report seeks permission to waive contract procedure rule 8 to award a contract to Leeds and York Foundation NHS Partnership Trust (LYFPT) for delivery of occupational therapy and physiotherapy to identified students at the Vine. The contract will be for three years (with the option to extend for two further periods of 12 months).
2. The contract will be a call off contract. The Vine will identify students each academic year and will notify the service provider of the required number of units each year.
3. The units are funded from the agreed element 3 funding for individual support needs.

**Recommendations**

- 1 The Deputy Director – Safeguarding, Specialist & Targeted Services is recommended to waive contract procedure rule 8.1 and 8.2 to award a contract to Leeds and York Foundation NHS Partnership Trust (LYFPT) for delivery of occupational therapy and physiotherapy for identified students at the Vine. The contract shall commence on the 1<sup>st</sup> April 2015 and expire on the 31<sup>st</sup> August 2017 (with the option to extend for two further periods of 12 months).

## **1 Purpose of this report**

- 1.1. To seek approval for the award of a contract to Leeds and York Foundation NHS Partnership Trust (LYFPT) for the delivery of occupational therapy and physiotherapy.

## **2 Background information**

- 2.1. The Vine work with young people with complex needs. Historically Vine was funded via a block grant from ACL (Adult and Community Learning). This funding wasn't individualised for individual learners needs, and had little flexibility within it. Since 2011 EFA (Education Funding Authority) agreed that they would start to fund the education provision at Vine via Leeds City College.
- 2.2. Vine has been under re-development over the last 3 years, to enable it to compete with out of area specialist provision. Whilst Vine was able to provide an education for its learners without the support of specialist therapists, they have always identified that the outcomes for learners would have been improved with this support. This is all part of the development of the Leeds Local Offer, and with the specialist therapist in place we can offer a very similar educational experience to most out of area provision at a much lower cost to the Local Authority.
- 2.3. There have also been considerable reforms into how post 16 funding for SEN learners is calculated, which allows for much greater individualisation of funding to meet learners learning outcomes.
- 2.4. It is essential, therefore, that in order to improve outcomes in learning for students with identified needs at the Vine that they are enabled to access specialist therapy.
- 2.5. The therapy provided will not meet specific health care needs; it will, however, focus on improving learners' ability to engage in sessions and to access activities.
- 2.6. The therapists will also be able to provide individualised training for Vine staff to enable them to support students more effectively.

## **3 Main issues**

### **Reason for Contracts Procedure Rules Waiver**

- 3.1. A contract is required with LYFPT to deliver occupational therapy and physiotherapy to identified students at the Vine. LYFPT are the NHS provider of occupational therapy and physiotherapy services to children and young people across Leeds.
- 3.2. Contracting with this organisation will ensure consistent delivery and quality of delivery that meets nationally set NHS requirements for service delivery.
- 3.3. LYFPT have effective systems in place to maintain a high level of professional supervision.

- 3.4. Approximately 90% of the students at the Vine receive other health services from NHS service providers. Contracting with LYFPT for occupational therapy and physiotherapy provides continuity of care for these students and ensures a holistic package of health and education support.
- 3.5. Leeds City Council does not employ occupational therapists or physiotherapists nor do they have the appropriate processes in place for the clinical governance or practice development of occupational therapy and physiotherapy.

### **Consequences if the proposed action is not approved**

- 3.6. If a contract is not awarded to LYFPT the learning outcomes of a number of students at the Vine will not be met.

### **Advertising**

- 3.7. This contract opportunity has not been advertised. The contract value is below the current EU threshold, so there is no requirement for the contract to be tendered in accordance with the Public Contracts Regulations but there is a requirement to comply with the Council's Contract Procedure Rules.
- 3.8. The specialist nature of the service development required means there is a limited number of organisations who would have the necessary staff in place to undertake the work required.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.1 Initial consultation has taken place with LYFPT to identify that they are able to deliver the service required. No wider consultation has taken place with other potential service providers.

### **4.2 Equality and Diversity / Cohesion and Integration**

4.2 The equality, diversity, cohesion and integration screening form is attached as Appendix 1. This form identifies that an impact assessment is not required in this case.

### **4.3 Council Policies and City Priorities**

- 4.3.1. The project will contribute to the Children and Young People's Plan priorities to:
  - Improve behaviour, attendance and achievement
  - Increase numbers in employment, education or training
  - Improve support where there are additional health needs.

### **4.4 Resources and Value for Money**

4.4.1. The contract will be a call off contract. The Vine will identify students each academic year and will notify the service provider of the required number of units each year.

4.4.2. The units are funded from the agreed element 3 funding for individual support needs.

4.4.3. The price is based on the therapist's case load and is banded according to the number of students:

0-8 students = 0.5 day per week

8-16 students = 1 day per week

16-24 students = 1.5 days per week

24-32 students = 2 days per week

32-40 students = 2.5 days per week

40-48 students = 3 days per week

48-56 students = 3.5 days per week

4.4.4 The daily cost of the physiotherapist is £210 and the daily cost of the Occupational Therapist is £185. The service is provided 52 weeks of the year.

4.4.5 There are currently 50 students at the Vine. The maximum price of the contract, based on all 50 learners, would be £40,440 p.a. for physiotherapy and £33,670 p.a. for occupational therapy. However, historically only 25% of the students at Vine have required therapeutic interventions therefore the anticipated contract value is £11,440 p.a. for physiotherapy and £9,620 p.a. for occupational therapy.

## **4.5 Legal Implications, Access to Information and Call In**

4.5.1. This decision is not subject to call-in.

4.5.2. The decision to waive contract procedure rule 8 is a significant operational decision in line with contract procedure rule 27.

4.5.3. In making their final decision, the Deputy Director – Safeguarding, Specialist & Targeted Services should be satisfied that the course of action chosen represents Best Value for the Council given that this contract opportunity has not been exposed to competition.

## **4.6 Risk Management**

4.6.1. The main risks associated with this project are:

- If the contract is not awarded learners will not reach their maximum potential in learning.

## **5 Conclusions**

5.1 A waiver of Contracts' Procedure Rule 8 in order to enter into a contract with LYFPT for the delivery of occupational therapy and physiotherapy for identified students at the Vine will improve the learning outcomes for these students.

## **6 Recommendations**

6.1 The Deputy Director – Safeguarding, Specialist & Targeted Services is recommended to waive contract procedure rule 8.1 and 8.2 to award a contract to Leeds and York Foundation NHS Partnership Trust (LYFPT) for the delivery of occupational therapy and

physiotherapy for identified students at the Vine for a period of three years (with the option to extend for two further periods of 12 months). The contract shall commence on the 1<sup>st</sup> April 2015 and expire on the 31<sup>st</sup> August 2017.

## **7 Background documents<sup>1</sup>**

7.1 None

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.