

Report of Head of Service – Looked After Children

Report to Deputy Director – Social Care

Date: September 2018



Subject: Request to waive contract procedures rules 8.1 and 8.2 to award a contract, without competition, to Leeds Community Healthcare Trust for delivery of speech and language therapy input into the therapeutic social work team.

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. This report is seeking permission to waive contract procedures rules 8.1 and 8.2 to award a contract, without competition, to Leeds Community Healthcare Trust (LCHT) for delivery of Speech and Language Therapy (SaLT) input into the Therapeutic Social Work Team (TSWT).
2. The contract will be for a highly specialist speech and language therapist (Band 7) to work within the TSWT for 2 days per week. Clinical governance, supervision and mandatory training and development will be retained by the provider. It is for this reason that a service contract is preferred over a secondment arrangement.
3. The contract will commence on 1st October 2018 and will be for a period of 24 weeks with the option to extend for a further 14 weeks.
4. The contract value will be £16,967 for 24 weeks. The contract will include the option to extend for a further 14 weeks at the value of £9,895. The maximum contract value will therefore be £26,862 over the life of the contract.

Recommendations

- 1 The Deputy Director – Social Care is recommended to waive contract procedure rules 8.1 and 8.2 to award a contract, without competition, to LCHT for delivery of SaLT input into the TSWT. The contract will commence on 1st October 2018 and will be for 24 weeks; therefore expiring on the 17th March 2019. The contract will include the option to extend by a further period of 14 weeks and therefore the maximum contract value will be £26,862 over the life of the contract.

1 Purpose of this report

- 1.1 The purpose of this report is to seek permission to waive contract procedure rules and award a contract to LCHT for delivery of SaLT input into the TSWT from 1st October 2018 and will be expiring on the 17th March 2019. The contract will include the option to extend by a further period of 14 weeks.

2 Background information

- 2.1 The Royal College of Speech and Language Therapists recommends:

“that the team supporting looked after children has access to specially commissioned speech and language therapy services. This would enable:

SCREEN - children and young people should be screened for communication needs when they enter care, including referral to speech and language therapy services for a full assessment where the screen has identified this is necessary to support differential diagnosis.

TRAIN - those working with, caring for, and supporting looked after children should be trained in awareness of communication and interaction needs and how to respond to them so that the places where they spend most of their time, school and home are able to meet their needs.

SUPPORT - direct speech and language therapy should be provided to those looked after children who need it.”

- 2.2 We are aware that in North Yorkshire, 62% of their looked after children had communication needs and only 2 of these children had previously accessed SALT services.
- 2.3 The TSWT believe there is significant unmet need within the cohort of children and young people known to their team. Meeting this unmet need could improve the life chances of these children. In ‘A Generation Adrift’ (2013) The Communication Trust state that, *‘the long term impact of SLCN [speech, language and communication needs] is well documented; impact on attainment, progression and wider social, behavioural and emotional outcomes. We know for example, children with SLCN are at higher risk of exclusion from school¹ and that 60-90% of young people in the youth justice system have SLCN, many of which aren’t identified before offending’* (p5, accessed 03 08 2018, https://www.thecommunicationtrust.org.uk/media/31961/tct_genadrift.pdf).
- 2.4 The TSWT would like to pilot a service, whereby a specialist speech and language therapist employed by LCHT will be embedded within the team to enhance the offer to children, young people and families. This pilot will be funded by the under-spend from a temporarily vacant post within the team.
- 2.5 This arrangement is similar to the one already in place for delivery of psychological input into the TSWT, for which LCHT were first awarded a contract in 2015. LCHT employ 1.2 FTE members of staff that are fully integrated within the TSWT. Clinical supervision and continuing professional development is provided by LCHT. Following an evaluation of the service in late 2016, which

showed the service was having a positive impact on children and families, a new three year contract was awarded to LCHT from 01/9/17.

3 Main issues

Reason for contracts procedure rules waiver

- 3.1 This contract will be for a highly specialist speech and language therapist (Band 7) to work within the TSWT for 2 days per week. Clinical governance, supervision and mandatory training and development will be retained by LCHT as service provider. It is for this reason that a service contract is preferred over a secondment arrangement.
- 3.2 This contract will enhance the work of the TSWT through the provision of in service training for TSWT (and Team Around the Child (TAC)) about the impact of Speech, Language and Communication Needs (SLCN), including how to identify difficulties. The service will include provision of a bespoke training programme, which will consider SLCN in the context of relational and developmental trauma; development of a screening tool to support initial assessment of therapeutic need and for use during course of TSWT work with a child; developing the skills and capacity of TSWT staff to run language and communication groups; and coaching the TAC in the delivery of a specific SaLT programme if identified during full assessment.
- 3.3 One of the roles of the speech and language therapist within the TSWT will be to develop and hold links and pathways between TSWT and core SaLT services to meet any identified needs. Many cases within the TSWT require SaLT services. The speech and language therapist within TSWT will be able to facilitate a full assessment of SLC needs if identified through the initial screening process in relation to ongoing therapeutic support. This will enable a swifter referral into core SaLT services and therefore reduce any delays accessing these services.
- 3.4 Young People in contact with the TSWT have links with LCHT via Child Looked After Nurses, their GP and School Nursing services. They may also require access to other services provided by LCHT, such as psychology, physiotherapy, Occupational Therapy. This is the key reason for awarding a contract directly to this provider over any other provider.
- 3.5 Having the speech and language therapist employed within LCHT enables them to have a good awareness of SaLT services pathways and models. Referrals from the speech and language therapists are classed as 'internal referrals' and so are not subject to the same wait time and consultation clinic protocol as other referrals coming in. They can instead be prioritised for the required piece of assessment or intervention work, which is a significant benefit to reduced waiting times for children and families.
- 3.6 Furthermore, having the speech and language therapist employed through LCHT will ensure robust clinical governance in line with other LCHT workers. As part of this governance the speech and language therapist will access mandatory training provided by LCHT, therefore allowing them to support the TSWT with a working knowledge of developments in LCHT and ensure their practice is continually

improved. The arrangement will also support the speech and language therapist to access supervision arrangements from other speech and language therapists within the organisation and enable them to access speech and language therapy knowledge from a number of professionals that they would otherwise be quite isolated from.

Consequences if the proposed action is not approved

- 3.7 If approval is not granted to award this contract to LCHT it will not be possible to pilot this arrangement, which could have a positive impact on the wellbeing of children/young people, including care leavers up to the age of 25 years old, in contact with social work services and in particular the TSWT.

Advertising

- 3.8 This contract opportunity has not been advertised for the reasons set out in this report. The contract value is below current EU threshold, so there is no requirement for the contract to be advertised on the European Journal.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The proposal has been through a consultation process involving: Child and Adolescent Mental Health Service, Speech and Language Therapists within the Youth Offending Service team, Occupational Therapy and the Service Development Manager.
- 4.1.2 Procurement have been consulted to ensure compliance with contract procedure rules and EU regulations.
- 4.1.3 Ongoing consultation to evaluate and inform service development will be undertaken by LCHT during the term of the contract. This will be routinely shared with TSWT Lead and will inform the decision whether to take up the extension or not and also whether the pilot has been a success and should be adopted longer-term.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An equalities impact screening has been completed and is attached to this report. This shows no impact on equality, diversity, cohesion and integration.

4.3 Council policies and City Priorities

- 4.3.1 This service supports the ambitions of the Best Council Plan and the ambitions of a Child Friendly City.

4.3.2 The service directly supports the following priorities of the Children and Young People's plan:

- Help children and parents to live in safe, supportive and loving families
- Ensure that the most vulnerable are protected
- Support families to give children the best start in life
- Increase the number of children and young people participating and engaging in learning
- Improve achievement and attainment for all
- Improve at a faster rate educational progress for children and young people vulnerable to poor learning outcomes

4.4 **Resources and value for money**

4.4.1 The contract value will be £16,967 for 24 weeks. This cost includes the provision of a highly specialist Speech and Language Therapist Band 7 for two days per week, plus travel and expenses, management and other overheads. The salary for Band 7 is the standard NHS salary at that level of experience as set by Agenda for Change conditions.

4.4.2 The contract will include the option to extend for a further 14 weeks at the value of £9,895. The maximum contract value will be £26,862 over the life of the contract. The full cost will be met through savings arising from a staff vacancy within the TSWT.

4.4.3 This contract will allow TSWT to pilot a new arrangement based on a similar arrangement for clinical psychology, for which an evaluation of the service in late 2016 showed positive and significant impact on children and young people.

4.4.4 The quality and performance of the service will be monitored by the TSWT Lead.

4.4.5 Contracting with LCHT for delivery of this service will enable the speech and language therapist to access clinical knowledge from a wide range of professionals within LCHT. This knowledge will be shared within the wider TSWT and used to continually improve service delivery.

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

4.5.6 This report seeks permission to waive contract procedure rules 8.1 and 8.2 to award a contract to LCHT without competition.

4.5.7 The value of the contract is a maximum of £26,862 and is therefore a significant operational decision and as such is not subject to call in. There are no grounds for treating the contents of this report as confidential under the Council's Access to Information Rules.

4.5.8 Awarding this contract direct to the provider in this way could leave the Council open to a potential claim from other providers, to whom this contract could be of interest, that it has not been wholly transparent. In terms of transparency it should be noted that case law suggests that the Council should always consider whether

contracts of this value could be of interest to contractors on other EU member states and, if it could, the opportunity should be subject to a degree of European wide advertising. It is up to the Council to decide what degree of advertising would be appropriate. In particular, consideration should be given to the subject-matter of the contract, its estimated value, the specifics of the sector concerned (size and structure of the market, commercial practices, etc.) and the geographical location of the place of performance. In giving the work to this provider without competition there is a potential risk of challenge from other providers who have not been given the chance to tender for this opportunity.

- 4.5.9 The Deputy Director – Social Care has considered the above and, due to the nature of the services being delivered and the relatively low contract values is of the view that the scope and nature of the services is such that it would not be of interest to providers in other EU member states.
- 4.5.10 There is a risk of an ombudsman investigation arising from a complaint that the Council has not followed reasonable procedures, resulting in a loss of opportunity. Obviously, the complainant would have to establish maladministration. It is not considered that such an investigation would necessarily result in a finding of maladministration however such investigations are by their nature more subjective than legal proceedings.

Risk Management

- 4.5.1 There is a potential risk of challenge from other providers who have not been given the chance to tender for this opportunity. The Deputy Director – Social Care is asked to accept this request for the reasons stated in paragraphs 3.1 to 3.7.
- 4.5.2 There is the risk of service disruption and poor value for money in relation to staffing, given that the contract is for one member of staff being embedded within the TSWT for two days per week. To help mitigate this, the contract states that any maternity leave and annual leave taken during the period of the contract will be covered by the provider in full and the provider will be responsible for covering any period of illness/special leave that exceeds two weeks. The contract also states that payment will not be made to the provider for any periods of more than four weeks where cover is not provided by the provider.

5 Conclusions

- 5.1 This reports seeks a waiver of contract procedure rules 8.1 and 8.2 for speech and language therapy input into the therapeutic social work team. This is the preferred option due to the specialist nature of the service and the benefits it could bring for the welfare of vulnerable children, young people and their families through upskilling of staff, enhancement of offer and improved pathways to core SaLT services.

6 Recommendations

- 6.1 The Deputy Director – Social Care is recommended to waive contract procedure rules 8.1 and 8.2 to award a contract, without competition, to LCHT for delivery of speech and language therapy input into the TSWT. The contract will commence on 1st October 2018 and will be for 24 weeks; therefore expiring on the 17th March 2019. The contract will include a further period to extend of 14 weeks and therefore the maximum contract value will be £26,862 over the life of the contract.

7 Background documents¹

- 7.1 N/A

¹ 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.