

Report of White Rose Strategic Commissioning Group

Report to the Director of Children & Families

Date: October 2018



Subject: Approval to vary onto and extend the White Rose Framework Agreement for the supply of the provision and education to young people with special educational needs and disabilities (SEND) on behalf of Yorkshire and Humber regional partners and to award to new providers following the refresh process.

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 checked="" type="checkbox"/> Yes	<input 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 Framework Agreement for White Rose Independent Education or Education and Care Placements for Children with Special Education Needs and Disability provides the option for a refresh on a 12 monthly basis for existing providers to re-submit their base costs attributable to their provision of service and the opportunity for new providers to join the Framework.
2. Strategic commissioners across the region have reviewed the existing documentation to ensure that the provision purchased against the contract continues to meet need.
3. The report seeks approval to vary and extend the regional Framework Agreement White Rose Independent Education or Education and Care Placements for Children with Special Education Needs and Disability, and award to new providers following the refresh process.

Recommendations

4. The Director of Children and Families is recommended to vary and extend the regional Framework Agreement White Rose Independent Education or Education and Care Placements for Children with Special Education Needs and Disability and;
5. To award the framework agreement for the supply of the provision and education to young people with special educational needs and disabilities to new providers, following the refresh process.

1 Purpose of this report

- 1.1 The report, in relation to the regional White Rose Independent Education or Education and Care placements for Children with Special Education Needs and Disability framework agreement and seeks approval to:
 - 1.1.1 Vary the framework agreement to reflect the changes to the providers following the undertaking of the refresh process.
 - 1.1.2 Award to new providers following the undertaking of the refresh process.
 - 1.1.3 Extend the agreement for a period of 12 months from 1st April 2019 to 31st March 2020.
- 1.2 Strategic commissioners across the region have reviewed the existing documentation to ensure that the provision purchased against the contract continues to meet need.
- 1.3 Call offs against the framework will continue to be made against those providers whose service models and prices have determined that they are able to meet need.
- 1.4 The framework contract does not guarantee the providers any placements. The same practices around identifying the most suitable match in terms of quality and price will continue and will be subject to the current governance processes that are in place

2 Background information

- 2.1 The White Rose Independent Education or Education and Care Placements for Children with Special Education Needs and Disability framework agreement is between the named placing Authority and the named provider.
- 2.2 This Framework Agreement was awarded on 01/04/2017 to 31/03/2019 with the option for a refresh on a 12 monthly basis for existing providers to re-submit their base costs attributable to their provision of service and to permit the introduction of new providers to the Framework Agreement for a period of 12-months. This refresh will cover the period from 01/04/2019 to 31/03/2020.
- 2.3 The Framework Agreement includes the option to extend for a further two (2) periods of 12 months on the same terms and conditions as the existing agreement. The first of these extensions will be taken from 01/04/2019 to 31/03/2020
- 2.4 This Framework Agreement enables Local Authorities to make placement as required but there is no commitment to any expenditure.
- 2.5 The contract was established ensuring that all relevant and current law was embedded into the tender documentation and current contracts with the providers.

- 2.6 The contract was established as a regional framework agreement.
- 2.7 The participating authorities share resources across the region to ensure that the contract continues to meet need and that providers are managed in a transparent and consistent manner to help deliver quality outcomes for the young people placed with the providers on the framework. Strategic issues are also managed through the Strategic Commissioning Group that has representation from the participating authorities.
- 2.8 The contract was established with the support of the region's Chief Executives and the region's Directors of Children's Services.
- 2.9 There are fifteen local authorities in the WRF partnership, although only those listed below currently participate in the Special Education Needs and Disability contract. The framework will be open to include the other 3 local authorities should they decide to use it in the future.
- **Leeds**
 - **Barnsley**
 - **Bradford**
 - **Doncaster**
 - **East Riding**
 - **Kirklees**
 - **NE Lincolnshire**
 - **North Yorkshire**
 - **Rotherham**
 - **Sheffield**
 - **Wakefield**
 - **York**
- 2.10 The decision to vary and award the contract is taken by Leeds after due discussion with other authorities it should be noted however that the individual contract established within the framework will continue to be the responsibility of the individual authority at the time of the placement.

3 Main issues

Option for refresh

- 3.1 This Framework Agreement provides the option for a refresh on a 12 monthly basis for existing providers to re-submit their base costs attributable to their provision of service and in line with the terms and conditions of this Agreement, and to permit the introduction of new providers to the Framework Agreement for a period of 12 months from 01/04/2019 to 31/03/2020.
- 3.2 There is the option to extend this Framework Agreement for a further 2 periods of 12 months, the first from 1st April 2019 of which an approval is being sought.
- 3.3 This Framework Agreement is for the provision of education with or without residential provision covering the age range 0–25 years as required for referred Child/Young Person who present with Special Educational Needs and Disabilities

and is placed by the Local Authority in accordance with the Education Act 1996 and 2002.

- 3.4 It was subject to a robust procurement exercise and this enabled the best quality and price to be obtained for placements. The framework is currently contract managed to ensure consistent delivery of improved outcomes for the supply of the provision and education to young people with special educational needs and disabilities
- 3.5 The provision is divided into 5 service categories:
- Category 1 – Children’s homes with education.
 - Category 2 – 52-weeks boarding.
 - Category 3 – Day pupil.
 - Category 4 – Boarding Monday-Friday.
 - Category 5 – Boarding term-time.
- 3.6 The overall outcome for the Framework Agreement for the supply of the provision and education.
- 3.7 The Framework Agreement sets out standard terms and conditions under which specific IPAs can be made by the Purchasers from the Provider throughout the contract term.
- 3.8 The Agreement places no obligations on the Purchasers to purchase any placement service from the Provider and a Purchaser may go outside of this Framework Agreement in order to purchase placement services for children and young people if they deem appropriate.
- 3.9 The Framework Agreement sets out the underpinning requirement that providers must meet in order to achieve those overarching outcomes:
- 3.9.1 To ensure that the Child/Young Person receives education provision with or without residential care which meets the outcomes specified in their EHCP’s.
- 3.9.2 To ensure that the education provision received by each child/Young Person generates appropriate opportunities for progression towards outcomes, in line with their EHCP’s.
- 3.10 Some of the key benefits arising out of this regional Framework Agreement are:
- 100% of placements made are appropriate to child’s needs.
 - Anticipated annual savings across the participating member authorities.
 - Outcome based contracting implemented.
 - Standardised specification and safeguarding arrangements across the region.
 - Rationalised contract management and contract management arrangements reflecting the regional approach.

- 3.11 It is therefore requested that approval be given to vary, award and extend the framework contract to new providers following the refresh process.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Chief Executives and DCSs have been updated during the progress of the project.
- 4.1.2 The strategic commissioners across the region have been involved in the contract to date and any changes to future direction.
- 4.1.3 Young people were actively engaged in the development of the specification.
- 4.1.4 The provider market were consulted and engaged with during the development of the project and continue to be engaged in respect of the proposed changes.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The Equality Impact Assessment (EIA) screening exercise has been undertaken and indicates no adverse equality impact to the service users, staff and the wider community as the contract will be varied on the same terms and conditions as currently enjoyed.
- 4.2.2 Any amendments to the specification and future provision will need to be subjected to a further EIA assessment.

4.3 Council policies and Best Council Plan

- 4.3.1 The council policies and priorities will continue to be reflected in the contract as the variation and refresh are on the same terms as currently enjoyed.
- 4.3.2 One of the key obsessions within the Children and Families Directorate is in respect of looked after children, and this obsession was reflected in the documentation and the quality evaluation model used in the commissioning process. It also continues to be reflected in the ongoing quality assessment of provision.
- 4.3.3 Another key obsessions is for children and young people to have quality education; for them to attain their potential and this is the central reason for this service provision.

4.4 Resources and value for money

- 4.4.1 There is the potential to deliver efficiency savings through this framework arrangement. This is based on the earlier prices paid by Leeds against the different Lots to be awarded across the framework being higher in the majority of cases than the average price available on the framework.

4.4.2 The framework itself also contains mechanisms to help ensure value for money at secondary call off. It is possible to agree lower than tendered fees based on the needs of the individual young person and to agree a block arrangement with a provider as part of the secondary call to competition at a reduced cost under this arrangement.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The opportunity was advertised on Leeds City Council's supplier contract management system and the Official Journal of the European Union and was advertised on the basis of the contract commencing for a period of two years with the option to extend for a further period of two years.

4.5.2 The decision to refresh the contract is classified as a key decision.

4.6 Risk Management

4.6.1 The utilisation of the framework call-off should ensure that value for money continues to be a key assessment during the operational phase of the framework.

4.6.2 The refresh process ensures that it meets the objectives of measuring price and quality for our most vulnerable children and young people.

4.6.3 On-going quality of provision within the framework will be monitored through the work of the Contracts Monitoring and Management Group that was established after the commencement of the Fostering Framework. This multi-authority group will also be responsible for contract managing this framework.

5 Conclusions

5.1 Without the option to make placements on this regional Framework Agreement for supply of the provision and education to young people with special educational needs and disabilities, the purchasing of external SEND placements would continue across the region but with an uncoordinated approach and with the market place seen to lead on the nature and quality of the provision.

5.2 This approach could create additional pressures on Children and Families' Services and continued efficiency savings and the qualitative benefits would not be realised.

5.3 The proposal is to award to new providers following the refresh process, vary and extend the regional White Rose Framework Agreement for Education or Education and Care placements for Children with Special Education Needs and Disability.

6 Recommendations

6.1 The Director of Children and Families is recommended to vary and extend the regional Framework Agreement White Rose Independent Education or Education and Care Placements for Children with Special Education Needs and Disability and;

6.2 To award the framework agreement for the supply of the provision and education to young people with special educational needs and disabilities to new providers, following the refresh process.

7 Background documents¹

7.1 None

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.