

Report of White Rose Strategic Commissioning Group

Report to the Director of Children and Families

Date: October 2019

Subject: Approval to vary and extend the White Rose Framework Agreement for the supply of the provision and education to young people with special education 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 yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open 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

1. Main issues

- The Regional Framework Agreement for White Rose Independent Education or Education and Care Placement for Children with Special Education Needs and Disability provides the option for a refresh on a 12 monthly basis for existing providers to resubmit their base costs attributable to the provision of service and the opportunity for new providers to join the Framework.
- Leeds is the leading authority for this framework which consists of 12 Local Authorities and one Children’s Trust all of which currently commission SEND provision from external providers.
- The original framework contract was awarded two years ago and allowed an option to extend for two 12 months period, the first of which was applied from 1 April 2019 to 31 March 2020. The project team are in agreement that the provision is fit for purpose and achieving its aims and therefore seeks to apply the second and final extension from 01/04/2020 to 31/3/2021. A review process is underway to ensure a new procurement to continue the service seamlessly at the end of this extension.

- This report seeks approval to vary and extend this regional framework agreement contract for the second 12 months period and award to new providers following the refresh process.
- The participating authorities are Barnsley MBC, City of Bradford Metropolitan District Council, The Borough Council of Calderdale, Doncaster Children's Trust, East Riding of Yorkshire Council, The Borough Council of Kirklees, Leeds City Council, North Lincolnshire, North East Lincolnshire, Rotherham Borough Council, Sheffield City Council, Wakefield Metropolitan Council and York City Council.

2. Best Council Plan Implications

- The framework agreement will assist the council in achieving its aims of becoming a child friendly city, improving the health and wellbeing of some of our most vulnerable children as well as ensuring they are safe and feel safe.
- The Framework contributes to Leeds capacity for children to grow in and ensures all children do well at all levels of learning and have the skills they need for life by encouraging the improvement of educational attainment and closing achievement gaps for children and young people vulnerable to poor learning outcomes.
- The agreement contributes to ensuring that children and young people are physically safe, stable and emotionally secure, protected from ill treatment, neglect violence, Sexual and Child Criminal Exploitation (CS E & CCE), and free from bullying and discrimination, and are protected from involvement in crime, antisocial behaviour and other risk taking therefore and boosting their social, emotional and mental health wellbeing.
- All White Rose partnership local authority policies and priorities are reflected in the agreement and will continue to be mirrored in ongoing quality assessments of provision.

3. Resource Implications

- There is no obligation for the participating authorities to purchase any services from any bidder on the framework. No undertaking or any form of statement, promise, representation or obligation is being made, or has been made by the Council in respect of the total quantities or values of the services to be bought.
- This framework continues to deliver efficiency savings in comparison to prices paid by Leeds and other local authorities against the different Lots prior to the framework arrangement.

Recommendations

- a) The Director, Children and Families is recommended to vary and extend the White Rose Regional Framework Agreement for Independent Education or Education and Care Placements for Children with Special Education Needs and Disability and;
- b) Award the framework agreement for the supply of the provision and education to young people with special needs education and disabilities to new providers, following the refresh process.

1. Purpose of this report

- 1.1 The report is in relation to the regional White Rose Independent Education or Education and Care placements for Children with SEND 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 1 April 2020 to 2021 for existing providers.
- 1.2 A formal review of the framework arrangements is being undertaken to ensure sustained effective outcomes and best value for children and young people.
- 1.3 In the meantime calls off against the framework will continue to be made against those providers where service models and prices have determined that they are able to meet the need.
- 1.4 The framework contract does not guarantee the provider any placements. The same practices around identifying the most suitable match in terms of quality and price will continue and will be subject to governance processes that are in place.

2 Background information

- 2.1 The White Rose Independent education or education and care placements were 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 for two years with the option for a refresh on a 12 monthly basis for existing providers to resubmit 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 01/04/2020 to 31/03/2021.
- 2.3 The Framework Agreement included the option to extend for up to two (2) 12 month periods. This is the second and last extension which will be taken from 01/04/2020 to 31/03/2021.
- 2.4 The Agreement enables Local Authorities to make placement as required but places no obligations on the Procurers to purchase any placement service from the Provider. The Procurers may go outside of this Framework Agreement to purchase placement services for children and young people if they deem it appropriate.
- 2.5 The contract was established with the support of the region's Chief Executives and Directors of Children's Services as a regional framework agreement, with the assurance that all relevant and current law was embedded into the tender documentation and contracts with the providers.
- 2.6 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 providers on the framework. Strategic issues are also managed through the Strategic Commissioning Group that has representation from the participating authorities.

- 2.7 There are 15 local authorities in the White Rose framework partnership, although only those listed below currently participate in the SEND contract. The framework is open to include the remaining local authorities should they decide to use it in this period.

Barnsley
Bradford
Calderdale
Doncaster City Council
East Riding
Kirklees
Leeds City Council
North east Lincolnshire
Rotherham
Sheffield City Council
Wakefield City Council
York City Council

3 Main issues

Option for Refresh

- 3.1 This Framework Agreement provides the option for a refresh on a 12 months basis for existing providers to resubmit their base costs attributable to the provision of service and in line with the terms and conditions of this Agreement, and permits the introduction of new providers to the framework agreement for a period of 12 months from 01/04/2020 to 31/03/2021.
- 3.2 This Framework Agreement is for the provision of education with or without residential provision covering the age range 0 to 25 years as required for referred Child/Young Person who presents with SEN D and is placed by the Local Authority in accordance with the Education Act 1966 and 2002.
- 3.3 The commissioned contract 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 the supply of the provision and education to young people with SEND.
- 3.4 In line with the requirement to extend, this report seeks approval to implement the final extension period of 12 months from 01/04/2020 to 31/03/2021.
- 3.5 Provision is divided into five service categories:
- Category 1 - children's homes with education.
 - Category 2 - 52 weeks boarding.
 - Category 3 - Day pupil.
 - Category 4 - Boarding Monday to Friday.
 - Category 5 - Boarding term time
- 3.6 The Framework Agreement sets out standard terms and conditions under which specific IPAs can be made by purchasers from the provider throughout the contract term.

- 3.7 The framework Agreement sets out the underpinning requirements that providers must meet in order to achieve over-arching outcomes:
- To ensure that the Child/Young Person receives education provision with or without residential care which meets the outcomes specified in their ECHPs.
 - To ensure that the education provision received by each child/young person generates appropriate opportunities for progression towards outcomes, in line with their ECHPs.
- 3.8 Some of the key benefits arising from the Framework Agreement are:
- 100% of placements made are appropriate to the child's needs.
 - Anticipated annual savings across the participating member authorities.
 - Outcome based contracting implemented.
 - Standardised specifications and safeguarding arrangements across the region stop.
 - Rationalised contract management and contract management arrangements reflecting the regional approach.
- 3.9 The framework contract does not guarantee the providers any placements. No undertaking or any form of statement, promise, representation or obligation is being made, or has been made by the Council in respect of the total volume or values of the services to be bought.
- 3.10 It is therefore requested that approval be given to vary, extend and award the framework contract to new providers following the refresh process.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Local Authorities Chief Executives and DCSs have been updated during the process of the project.
- 4.1.2 The strategic commissioners and placement managers across the region have been involved in the contract to date.
- 4.1.3 Young people were involved in the development of the specification.
- 4.1.4 The provider market were consulted and engaged with during the development and commissioning of the framework; they continue to be engaged in respect of the proposed changes.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 An equality impact screening form has been completed and is attached as appendix 1.
- 4.2.2 There were no actions arising from the equality screening to be incorporated in to the varying, extension and awarding of this contract.

4.3 Council policies and the Best Council Plan

4.3.1 This contract will support the best council plan priorities of keeping people safe from harm and reducing the number of children looked after.

4.3.2 This contract will support Children and Families Services commitment to:

- Ensure that the most vulnerable are protected.
- Increase the number of children and young people participating and engaging in learning.
- Improve social, emotional, and mental health and wellbeing.
- Ensuring that our young children that are looked after are safe and their voices heard.
- Works toward the aim of achieving a Child Friendly city.

Climate Emergency

4.3.3 The service specification requires bidders to consider the environmental impact of their approach to service delivery. Ongoing quality assessment includes encouraging providers to make the best use of technology and sustainable transport in their day to day operations.

4.4 Resources, procurement and value for money

4.4.1 There is the potential to deliver efficiency savings through this Framework Agreement. 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 all off. It is possible to agree lower than tendered fees based on the needs of the individual young person and to agree block arrangement with the provider as part of the second recall 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 on the basis of the contract commencing for a period of two years with an 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 A risk register is in place and overseen by the contract monitoring and management group team. Ongoing quality provision within the framework will be monitored through the work of this team.

4.6.2 The utilisation of the framework call-off should ensure that value for money continues to be a key assessment during the operation of the contract.

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

5. Conclusions

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

5.2 This approach could create additional pressures on Children and Families' Services and continued efficiency savings and 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 quite rules Framework Agreement for Education or Education and Care placements for children with SEND.

6. Recommendations

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

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

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.