

**Report of White Rose Regional Commissioning Team**

**Report to the Director of Children and Families**

**Date: 26<sup>th</sup> November 2020**

**Subject: Request for permission to undertake competitive procurement exercise for the regional White Rose special education needs and disabilities (SEND) Electronic Market Place and to appoint providers onto the agreement to commence on 1<sup>st</sup> July 2021.**



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 commissioning of White Rose Independent Schools and Colleges for children and young people with Special Educational Needs and Disabilities (SEND) provides suitable placement options to enable the participating Local Authorities to meet their statutory duties.
- Leeds is the lead authority for regional placements commissioning under the White Rose Partnership which involves fourteen local authorities and one children's trust.
- The original framework contract was awarded in 2017 (DN201548) and subsequent refresh (DN308425, DN374555 and DN442786) are due to expire on 30.06.2021
- A review of the commissioning requirements for SEND placements has been undertaken and has led to this request for permission to procure and Electronic Market Place for SEND placements with the view to appoint providers meeting the criteria onto the agreement
- The agreement will commence on 1st July 2021 and run for 4 years with the option to extend for a further period of up to 24 months.
- The regional commissioning of SEND placements will continue to support authorities to work collaboratively to ensure quality and value for money of placements but there will be commitment to spend for any authority.

- There are fourteen Local Authorities and one Children's Services Trust in the White Rose Agreement. This agreement will be open to all local authorities who make SEND placements with external providers to utilise. These are Barnsley Metropolitan Borough Council, City of Bradford Metropolitan District Council, Calderdale Metropolitan Borough Council, Doncaster Children's Services Trust, Doncaster Borough Council, East Riding of Yorkshire Council, Hull City Council, Kirklees Council Leeds City Council, North East Lincolnshire Council, North Lincolnshire Council, Rotherham Borough Council, Sheffield City Council, Wakefield Metropolitan District Council and York City Council

## **2. Best Council Plan Implications**

- This competitive tendering exercise 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 tender exercise will contribute to Leeds and partners' ambition to be the best city for children to grow up 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.
- In addition to the supporting educational outcomes for vulnerable young people the tender 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.
- The agreement will assist the region in delivering a high quality provision for the young people in receipt of the services whilst demonstrating value for money in respect of the cost of the placements.
- 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 the SEND Electronic Market Place. 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.
- By collaborating on this competitive tendering exercise local authorities across the region can continue to achieve best value for money in comparison to prices that could be paid by individual authorities outside this agreement.

## **Recommendations**

The Director, Children and Families is recommended to give approval for permission to procure an Electronic Market Place for SEND placements with Independent Schools and Colleges and to appoint providers onto the agreement as a result of the tender exercise. The agreement will commence on 1<sup>st</sup> July 2021 and run for 4 years with the option to extend for up to a further 24 months.

## **1. Purpose of this report**

- 1.1 The report is in relation to the competitive tendering of the regional White Rose SEND Electronic Market Place (SEND EMP) for Independent Schools and Colleges for children and young people with Special Educational Needs and Disabilities (SEND).
- 1.2 The report seeks permission to procure this contract under which externally commissioned providers will supply Education or Education and Care placements for young people with SEND and to appoint onto the agreement providers

## **2 Background information**

- 2.1 The White Rose Partnership is collaboration between fourteen Local Authorities and one Childrens Trust in the Yorkshire and Humber region who work in partnership to commission children's placements. Leeds is the lead contracting authority for these contracts and are funded to provide commissioning and procurement co-ordination for this activity.
- 2.2 The current White Rose framework agreement for independent education or education and care placements for children with Special Education Needs and Disabilities expires on 30<sup>th</sup> June 2021.
- 2.3 Via the regional commissioning of SEND placements local authorities are able to access a compliant route to market when they need to access either a day educational placement with an external independent school or college or an education and care placement with an external independent school or college. These can be provided on a range of basis including Monday – Friday, 38 or 52 week placement
- 2.4 A review has been undertaken to inform future commissioning arrangements. This review involved engagement with both local authority and health commissioning colleagues from across the region, SEND and social care professionals, parents and carers, young people and service providers. Whilst some face to face engagement took place at an early stage of the review much of the engagement took place via online survey and virtually due to the impact of the COVID 19 pandemic.
- 2.5 Under the partnerships revised governance structure a SEND Thematic Working Group was established which has supported the development of the specification and tender documentation.

## **3 Main issues**

- 3.1 This report seeks permission to proceed with the competitive tender and to appoint onto the agreement providers meeting the evaluation criteria for the White Rose EMP for Independent Schools and Colleges for children and young people with Special Educational Needs and Disabilities (SEND).
- 3.2 The original framework contract was awarded in 2017 (DN201548) and subsequent refresh (DN308425, DN374555 and DN442786) were originally due to expire on 31.03.2021.
- 3.3 In October a decision was taken (D52395) to modify and extend the contract term

until 30<sup>th</sup> June 2021 to allow time to complete the review. This was as a result of delays experienced due to COVID 19.

- 3.4 The SEND EMP will commence on 1<sup>st</sup> July 2021 expiring on 30<sup>th</sup> June 2025 with the option to extend for up to 24 months.
- 3.5 The agreement will include the opportunity for new providers to join during the life of the agreement and these applications will be assessed twice a year. There will also be the opportunity for providers to apply for a price review on an annual basis. This will avoid providers risk pricing from the outset and make the agreement more attractive to providers therefore helping to minimise the number of placements made outside this agreement.
- 3.6 The estimated expenditure across all 14 authorities in the Yorkshire and Humber region on these services across the life of the agreement (including extensions) is £360m (£60m per annum). Not all spend would be expected to be made via this agreement but we will seek to maximise the percentage of spend on these services which is made via this agreement.
- 3.7 The contract will be broken down into two main Lots being:
  - Education only – Providing day education placements within Independent Special schools and colleges for children with SEND
  - Education and Care – Providing both education and residential care placements within Independent Special Schools and Colleges for children with SEND. This will be further broken down into placements that could be provided on a Monday to Friday, 38 week or 52 week basis.
- 3.8 Providers will be required to identify each Lot for which they wish to apply and provide their cost for each placement type.
- 3.9 The quality of all providers applying to join the SEND EMP will be assessed by representatives of the White Rose Partnership via the submission of Standard Selection Questionnaire and written tender questions.
- 3.10 Under this tender the assessment of price and quality will be separated. Quality assessment will take place at the point a provider applies to join the EMP with 1000 points available for quality and a 60% quality threshold applied to the majority of questions. When calling off the EMP the most appropriate placement for that young person will be identified considering the individual placement match and parental preference. If more than one appropriate placement is identified the Ofsted rating of the setting and then the cost of the placement will be used to determine in which setting and with which provider the placement is made. If two or more providers were still in the running the placement will be made to the lowest price.
- 3.11 By collaborating together, via the White Rose Partnership, participating Local Authorities within the Yorkshire and Humber region are able to work together, and with provider markets, with the aim of improving the availability, quality and value for money of placements.
- 3.12 The engagement with local authorities identified a number of priorities including ensuring placements are made as close to home as possible, maximising the number of providers on the White Rose arrangements and improving clarity and expectations around therapeutic support delivered in placement. The new commission seeks to respond to these issues and the partnership will continue to work with providers markets on key issues throughout the life of the contract.

#### **4. Corporate considerations**

#### 4.1 **Consultation and engagement**

- 4.1.1 The Yorkshire and Humber Children's Services Commissioning Board, chaired by a Director of Children's Services and attended by Assistant Directors from across the region has been updated on progress and has endorsed this recommendation.
- 4.1.2 The strategic commissioners and other relevant professionals from across the region have been involved in the review and the development of the tender documents and will continue to be involved in the ongoing management and market engagement during the life of the contract.
- 4.1.3 Parents and carers and young people were engaged as part of the review process. This largely took place via online survey due to the impact of the pandemic.
- 4.1.4 Providers were engaged via virtual meetings and an online survey to inform the development of the tender. Market engagement and management will continue throughout the life of the contract.

#### 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.

#### 4.3 **Council policies and the Best Council Plan**

- 4.3.1 This tender 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 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 will include encouraging providers to make the best use of technology and sustainable transport in their day to day operations.
- 4.3.4 The specification also includes a number of social value requirements and the providers approach to social value will be assessed as part of the tender process and monitored on an ongoing basis.

#### 4.4 **Resources, procurement and value for money**

- 4.4.1 As local authorities across the Yorkshire and Humber region are collaborating together to commission there is the potential to deliver

efficiency savings through this regional agreement. The value for money of placements achieved can be assessed through the life of the agreement.

4.4.2 The agreement itself also contains mechanisms to help ensure value for money. It is possible to agree block arrangement with the provider as part of the second call to competition at a reduced cost under this arrangement to reflect the commitment by the Local Authority.

#### **4.5 Legal implications, access to information, and call-in**

4.5.1 The opportunity will be advertised on Leeds City Council's supplier contract management system and on to contracts finder (replacing the Official Journal of European Union post Brexit) on the basis of the contract commencing on 1<sup>st</sup> July 2021 for a four year period with the option to extend for a further period of up to 24 months.

4.5.2 This decision is classified as a key decision. It was published on the list of forthcoming key decisions on 27<sup>th</sup> October 2020 and will be subject to call-in.

#### **4.6 Risk management**

4.6.1 The tender has been developed with input from the White Rose SEND Thematic Group and overseen by the Operational Group and Commissioning Board who support the management of any risks identified.

4.6.2 The tender supports local authorities to meet their statutory duties providing a compliant procurement route to the external provider market.

4.6.3 The contract will be under ongoing review during the life of the arrangement to ensure it provides the quality and value for money required.

4.6.4 If this recommendation is not approved it will not be possible to ensure the region has a compliant route to market for external placements for children and young people with SEND.

### **5. Conclusions**

5.1 Having considered the findings of the data review and engagement with a range of stakeholders this tender has been developed to respond to a number of key issues identified by local authorities and their partners.

5.2 Approval of the permission to procure report is required to allow local authorities in the Yorkshire and Humber region to continue to access external providers of education or education and care for children with special educational needs and disabilities. Each participating Local Authority will ensure that they are complying with their internal governance to allow them to use this agreement.

5.3 Without this approval it will not be possible to ensure there is a compliant procurement route for external placements for children and young people with SEND.

### **6. Recommendations**

6.1 The Director, Children and Families is recommended to give approval for permission to procure an Electronic Market Place for SEND placements with

Independent Schools and Colleges and to appoint providers onto the agreement as a result of the tender exercise The agreement will commence on 1<sup>st</sup> July 2021 and run for 4 years with the option to extend for up to a further 24 months.

**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.