

**Report of White Rose Regional Commissioning Team**

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

**Date: 23<sup>rd</sup> April 2021**

**Subject: Appointment of providers to the White Rose Special Educational Needs and Disabilities Electronic Marketplace agreement**



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.
- Following a review of commissioning requirements for SEND placements, a procurement exercise has been completed, and twelve providers have met the criteria for appointment onto the electronic market place (EMP).
- A number of settings recommended for appointment have not had their first Ofsted inspection due to delays caused by the Covid 19 pandemic. These providers will be accepted onto the EMP once satisfactory quality assurance checks have been completed.
- 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.

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

- This competitive procurement 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 procurement 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 supporting educational outcomes for vulnerable young people, the procurement 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 (CSE & 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 increased capacity 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:

- i) Approve the appointment of providers listed at Appendix 1 onto the new regional Electronic Marketplace for SEND on a four year agreement starting 1<sup>st</sup> July 2021 with the option to extend for up to a further 24 months.
- ii) Approve the future appointment onto the SEND EMP for not yet rated settings listed at Appendix 2 on completion of a satisfactory quality assurance assessment.

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

- 1.1 Following the completion of a full procurement process, this report seeks approval to appoint the providers and settings listed at Appendix 1 onto the regional White Rose SEND Electronic Market Place for Independent Schools and Colleges for children and young people with SEND. It also seeks approval for the future appointment of not yet rated settings listed at Appendix 2 that pass an additional quality assessment.

## **2 Background information**

- 2.1 The White Rose Partnership is collaboration between fourteen Local Authorities and one Childrens Trust (listed at Appendix 3) 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 Regional commissioning of SEND placements enables local authorities 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 placements.
- 2.4 Following a review, a full procurement process has been completed by the regional partnership, and a number of providers are recommended for approval onto the SEND EMP to increase capacity and choice within the SEND residential placement market.

## **3 Main issues**

- 3.1 The SEND EMP will commence on 1<sup>st</sup> July 2021 and expire on 30<sup>th</sup> June 2025 with the option to extend for up to 24 months.
- 3.2 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.
- 3.3 The estimated expenditure across all 14 authorities and one Trust in the Yorkshire and Humber region on these services across the life of the agreement (including extensions) is £360m (£60m per annum). We will seek to maximise the percentage of spend on services via this agreement but acknowledge that not all expenditure will be through it due to lack of capacity.
- 3.4 The contract was broken down into two main Lots:
  - 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.

- 3.5 Providers were required to identify each Lot for which they wished to apply for and provide their cost for each placement type.
- 3.6 The quality of all providers applying to join the SEND EMP was assessed by representatives of the White Rose Partnership via the submission of Standard Selection Questionnaire and written tender questions.
- 3.7 The assessment of price and quality is separated. The providers recommended for approval met the threshold on all quality assessment 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.
- 3.8 Due to the Covid 19 pandemic, Ofsted were unable to carry out their first inspection. A route to access to this agreement for yet to be rated providers and/or setting was identified as part of the tender process so that providers were not penalised. It indicated the circumstances as well as the additional quality assurance work required before appointment onto the agreement can be made. The providers falling into this category are identified in Appendix 2.
- 3.9 These settings / providers will only be appointed onto the EMP on the satisfactory outcome of this process which will be undertaken after the initial appointment.

#### **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 oversaw the procurement process.
- 4.1.2 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.
- 4.1.3 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 for the original decision.
- 4.2.2 The services procured directly benefits young people with special educational needs and disabilities.

##### **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 arrangements 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 was 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 significant operational decision as a result of key decision D52545 and is not subject to call in.

#### **4.6 Risk management**

4.6.1 The tender was 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, including additional quality checks for placements without an Ofsted rating, or a rating below 'Good'.

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 local authorities have a compliant route to market for external placements for children and young people with SEND.

## **5. Conclusions**

5.1 A robust tender process has concluded, and a number of providers have met the quality criteria to join the SEND EMP and bid for individual placements.

5.2 Due to the current delays in Ofsted inspections, providers with no current Ofsted rating will undergo quality assurance prior to be appointed under the agreement.

## **6. Recommendations**

The Director, Children and Families is recommended to:

- i) Approve the appointment of providers listed at Appendix 1 onto the new regional Electronic Marketplace for SEND on a four year agreement starting 1<sup>st</sup> July 2021 with the option to extend for up to a further 24 months.
- ii) Approve the future appointment onto the SEND EMP for not yet rated settings listed on Appendix 2 on completion of a satisfactory quality assurance assessment.

## **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.