

**Report to: Cllr Russell, Cabinet Member for Children and Young People  
February 2022**

**Procurement of a Framework for Therapeutic Services for Children and Young People**

**Report by: Ms Butler, Executive Director of Children, Young People and Learning**

**Electoral divisions: All**

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## **Summary**

Arising from the Council's statutory obligations under The Children Act 1989, the Council provides therapeutic assessments and therapeutic interventions for children and young people. This includes the provision of therapies from different disciplines for example psychotherapy, occupational therapy and play therapy.

Currently this need is predominately for children with Special Educational Needs and Disabilities, receiving Social Care support, or in the Council's Care.

Whilst the County Council and the NHS provide some of these services, the demand is such that a significant amount of provision has to be purchased from the external market and evaluation shows this is a trend expected to continue. In order to meet this demand, it is proposed to set up a Framework to enable the efficient and compliant sourcing of therapeutic services from qualified suppliers.

The Framework will have no actual contract value as it makes no guarantee of business for any provider, however the spend on provision of these therapeutic services in 2020/2021 was approximately £500,000.

## **Recommendations**

The Cabinet Member for Children and Young People is asked to approve: -

- (1) The commencement of a procurement to set up a Framework to enable the purchase of therapeutic services with an initial term of 5 years with the option to extend for a further 2 years. The anticipated commencement date is 1<sup>st</sup> May 2022.
  - (2) The delegation of authority to the Executive Director of Children, Young People and Learning to award places on the Framework, and any subsequent award relating to these contracting arrangements, for the initial period and further extension periods as necessary.
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## **Proposal**

### **1 Background and context**

- 1.1 There has been an increasing need for Therapeutic Services for children and young people, predominately those with Special Educational Needs and Disabilities (SEND), receiving Social Care support, or in the Council's Care. Thus, there are several support teams across the Council who need to commission Therapeutic Services.
- 1.2 This increased need has been driven by lack of capacity in NHS services and waiting lists for the Council's oversubscribed Child and Adolescent Multi-disciplinary Psychological Service (CHAMPS) leading to the County Council commissioning services to ensure children receive timely therapeutic assessments and interventions.
- 1.3 Currently the need is addressed by using a number of independent organisations based in or near West Sussex. Each organisation has standards set by accrediting bodies, however they are not regulated and also currently there is no over-arching contractual agreement with the Council for these services.
- 1.4 Spend year on year has been increasing and although the last 2 years it has been approximately £500K per year it is anticipated that this will increase as the number of children in the cohorts described in paragraph 1.1 above is increasing. It is therefore necessary to establish a Framework to enable the efficient and compliant sourcing of therapeutic services from qualified suppliers and reducing the need to obtain Standing Order waivers to directly award contracts.

### **2 Proposal details**

- 2.1 It is proposed to launch a procurement to establish a Framework which will facilitate the purchasing of Therapeutic Services to support children and young people.
- 2.2 This Framework (termed an Open Framework) will be continually open to new providers who meet pre-set conditions.
- 2.3 The procurement opportunity to participate will be advertised in February 2022 with an initial closing date allowing bidders sufficient time to respond.
- 2.4 As part of this decision, approval is sought from the Cabinet Member to delegate authority to the Executive Director of Children, Young People and Learning to award places on the Framework for the initial period and further extension periods as necessary, which will be the subject of a further key decision as appropriate.
- 2.5 Once the initial procurement process has completed, the Framework will remain open to enable new service providers to join throughout the term. All new providers applying for a place will go through the same evaluation process to assess their suitability for admission to the Framework; those who meet the criteria and standards required will be awarded places on the Framework. New providers awarded places on the Framework will be approved under the

Executive Director of Children, Young People and Learning's onward scheme of delegation.

- 2.6 When a service for a child or young person is required, a suitable provider will be obtained by running a mini-competition process in accordance with the terms of the Framework Agreement. Authority to award the contract to the successful provider will be in accordance with the Executive Director of Children, Young People and Learning's onward scheme of delegation.
- 2.7 The maximum term of the Framework will be 7 years with an initial term of 5 years and an option to extend by periods of up to 2 years.
- 2.8 The introduction of a Framework Agreement and the mini-competition process will provide assurance of the competence of individual providers, it will increase awareness of potential providers and their hourly rates across all Council teams supporting children and families and it will encourage competition in the market.

### **3 Other options considered (and reasons for not proposing)**

- 3.1 The option of joining an existing Framework hosted by a neighbour Local Authority (LA) was researched, however there are no existing Frameworks that offer these types of services.
- 3.2 The option of partnering was considered and proposed to neighbour LAs. There was no interest received, mainly because, apart from a few large organisations, the provider base is very localised.
- 3.3 The option of partnering with Adoption South East (ASE), led by East Sussex and including West Sussex, Surrey and Brighton and Hove, was explored in detail with ASE. Research showed that only a small number of providers currently delivering Therapeutic Services in West Sussex are delivering services to adopted children.
- 3.4 Do nothing – this would not address the current inefficiencies and risks of spot purchasing.
- 3.5 Stop using Therapeutic Services – this is not possible as the use of these services is most frequently directed as part of a Care Plan or as part of a legal process.
- 3.6 Create an in-house service. This would involve major service redesign and the evidence that 58% of current providers are sole traders suggests that recruitment would be a major issue.

### **4 Consultation, engagement and advice**

- 4.1 Market consultation has been undertaken using a survey sent to 94 existing and other potential providers plus 8 accrediting body organisations. 95% of respondents were willing to join a Framework, and 37% were not currently supplying the Council i.e. a wider interest was stimulated. A Bidders briefing will form part of the procurement process.

4.2 The Cabinet Member for Learning and Skills has been briefed on the proposal as it will provide services for children with SEND for which he has portfolio responsibility.

4.3 Colleagues in Legal Services and Procurement have provided advice in developing this proposal and the specification.

## 5 Finance

### 5.1 Revenue consequences

	Current Year 2021/22 £m	Year 2 2022/23 £m	Year 3 2023/24 £m	Year 4 2024/25 £m
Revenue budget	£0.5m	£0.5m	£0.5m	£0.5m
Change from Proposal	£0	£0	£0	£0
Remaining budget	£0.5m	£0.5m	£0.5m	£0.5m

### 5.2 The effect of the proposal:

(a) **How the cost represents good value**

The introduction of a procurement qualification and call-off process should encourage competition in the market, as well as increasing the awareness of individual pricing rates of therapists, all of which can only be beneficial.

In addition, the framework will provide assurance of the competence of individual providers, to help ensure that the required quality of provision is met, and the desired outcomes are achieved.

(b) **Future savings/efficiencies being delivered**

There are no clearly identifiable savings that are expected to be achieved, however the introduction of the framework should encourage beneficial behaviors in the market, which in time could be reflected in the prices paid.

(c) **Human Resources, IT and Assets Impact - None**

## 6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
Risk of providers not applying to join the Framework	Further market engagement via survey list and a market engagement event

<b>Risk</b>	<b>Mitigating Action (in place or planned)</b>
Risk of Council support teams not using the Framework	Internal training rolling out the new process

## **7 Policy alignment and compliance**

### **7.1 Legal implications**

- 7.1.1 The Council has a statutory obligation to provide these services. By commencing a procurement for these services, the Council is discharging this duty.
- 7.1.2 The value of this procurement is considered a Key Decision as it will result in the Council incurring expenditure which is significant as decided by the Council. In accordance with its constitution, this is expenditure over £500k and it is significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in West Sussex. A Key Decision must be published in the Council's Forward Plan at least 28 days before it is made and will be subject to a 7 day call-in period after it has been made. The decision must be made by the cabinet member for Children and Young People.
- 7.1.3 The Council is a Contracting Authority as defined in the Public Contract Regulations 2015 ("PCR") and as such is governed by those regulations. The value of the proposed contract is above the relevant EU Thresholds as referred to in the PCR of £615,278 for Social and other specific Services ("Light Touch Services"). As such the Council will competitively tender these services in accordance with the procedures set out in PCR.
- 7.1.4 The form of contract will be a Framework Agreement using terms and conditions, approved by Commercial Legal Services and compliant with section 10 of the Council's Standing Orders on Procurement and Contracts.
- 7.1.5 There is no risk that this contract will be considered illegal state subsidy within the subsidy control regime because the contract will be subject to a competitive tender thereby ensuring that the Council is not selectively granting an advantage to one particular economic operator over another.

### **7.2 Equality duty and human rights assessment**

The Service enhances equality of opportunity between people who share a protected characteristic i.e. disability, and people who do not share it, by enabling them to access therapeutic services to assist with their support and development..

### **7.3 Crime and disorder**

The Service supports the Council's aim to improve community safety and to prevent crime and disorder. The service will provide opportunities to divert individual children and young people away from behaviour which may have anti-social implications.

#### 7.4 **Social Value**

Annual contract reviews with providers will require reports detailing any contributions to Social Value by the supplier.

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**Background papers**

None