

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Cabinet Member for Education and Skills

DECISION NO:

25/00032

For publication

Key decision: YES

Key decision criteria. The decision will:

- a) result in savings or expenditure which is significant having regard to the budget for the service or function (currently defined by the Council as in excess of £1,000,000); or
- b) be significant in terms of its effects on a significant proportion of the community living or working within two or more electoral divisions – which will include those decisions that involve:
 - the adoption or significant amendment of major strategies or frameworks;
 - significant service developments, significant service reductions, or significant changes in the way that services are delivered, whether County-wide or in a particular locality.

Subject Matter / Title of Decision: Therapies – Recommissioning of SEN Therapy provision to enable access to the Education Curriculum

Proposed Decision:

As Cabinet Member for Education and Skills, I agree to:

1. APPROVE the disaggregation of the current Occupational Therapy (OT) spend from the current Therapies spend and the re-investment of this to develop an internally provided integrated SEND and Social Care OT service.
2. APPROVE the commissioning and relevant procurement of a Speech, Language and Communication Needs – Delivering Inclusion within the Curriculum for Education (DICE) Service.
3. APPROVE the commissioning approach to procure a five-year contract with an option to extend for a further 24 months.
4. DELEGATE authority to the Corporate Director of Children, Young People and Education, to take relevant actions, including but not limited to, negotiating and finalising the terms of, and entering into required contracts or other legal agreements, as required to implement the decision.

Reasons for decision:

In 2022 NHS Kent and Medway and Kent County Council committed to working together and move towards the adoption and delivery of The Balanced System® Service Delivery Model. The Balanced System® is a whole system strategic approach to supporting children and people with a whole range of needs, that has primarily come out of work in the area of speech, language and communication but has evolved to be used to consider other therapy areas for children and young people, including occupational therapy, physiotherapy, CAMHS, holistic SEND support and most recently tests of concept with some adult populations. This approach supports the priorities set out in [Kent SEND Strategy 2025 2028](#)

The commissioning intention is seeking to disaggregate and re-invest current Therapies spend into two distinct elements, the first covering Speech and Language Therapy (SLT) 'Speech, Language and Communication Needs – Delivering Inclusion within the Curriculum for Education' (DICE)

Service and the second covering Occupational Therapy (OT) and Physiotherapy (PT). To re-invest internally expanding the current Supporting Independence Services Social Care Occupational Therapy Service (SC-OT) and the Physical Disability Specialist Teaching and Learning Service (PD-STLS) to meet education priorities, It is important to note that KCC's total spend on the legacy contracts in place for SLT equates to 20% of the total provision and similarly 9% for OT and PT.

The DICE service will develop the level of confidence that schools and families have in regards to meeting the needs of children with SLCN.

For those children who will still require Specialist health intervention by a Speech and Language Therapist (SLT) this will continue to be delivered by the service funded by NHS Kent and Medway.

There is currently a lack of clear pathway for integrated Therapy for the SEND cohort, with an inconsistency of when and why Therapies could or should be considered, with confusion exacerbated between what is a health need or an education need, this reinforces the need for a full pathway approach to commissioning.

The Code of Practice for SEND 0-25 requires the development of a Local Offer which is jointly commissioned by health and education partners to meet the needs of all children and young people with special educational needs whether or not they have an Education, Health and Care Plan (EHCP).

What is being proposed?

Element One - SLCN - DICE Therapeutic Provision: Commission a Speech, Language and Communication Needs – Delivering Inclusion within the Curriculum for Education (DICE) Service, that supports children and young people in mainstream schools and across community settings, such as Family Hubs, during both term time and school holiday periods. A Link Therapist will hold a key role in supporting those children and young people who are either in mainstream schools and those who, for various reasons, are not attending school regularly (e.g. such as those home educated, non/low-school attendance, living in Refuges, etc.) and have Speech, Language and Communication Needs.

Element Two - Occupational Therapy and Physiotherapy Provision: The provision of support to children and young people with additional needs is, in this context, advice, support, equipment and aids to promote access to education through Occupational Therapy and or Moving and Handling expertise.

Financial Implications:

The total budget allocation for element one and two can be seen in the table below:

Descriptor		Budget
2024/2025 Contract Values		
EKHUFT £752,905		£2,279,491
KCHFT £1,526,586		
Element One	Speech, Language and Communication Needs (DICE) Service **Inc. Overheads & oncosts	£1,860,000
Element Two	Occupational Therapy and Moving and Handling Expertise	£415,431

The Current budget for Therapeutic provision funded by KCC is £2,279,491 this would be utilised to

transition from the specified current delivery model, which includes some elements of the Balanced System® to a system wide Balanced System® approach under the new provision. Support currently delivered through this contract to special schools will need to be factored into the revised commissioning intentions.

Through implementing The Balanced System® we would look for both elements of Therapies provision to be fully funded from the current £2,279,491 budget. This budget is currently fully funded from the High Needs Block of Dedicated Schools Grant (a ring-fenced grant from the Department of Education) and the service is expected to be re-commissioned with the current budget envelope without further contributions from either the High Needs Block or the council's general fund.

Legal Implications:

The procurement of these services will be undertaken in accordance with the requirements of the Provider Selection Regime regulations and statutory guidance, which came into effect on 1 January 2024. It is envisaged that a competitive procurement exercise will be undertaken. Relevant legal advice will be sought in relation to the appropriate contract terms and tender documentation to use with the procurement exercise and application of TUPE which is considered likely to be engaged.

It is likely that TUPE will apply in the following ways:

Element One – SLCN - DICE Provision: impacted staff will move between providers. This will need to be factored in for timelines for mobilisation and service commencement. This will form the key elements of the procurement evaluation on mobilisation.

Element Two - Occupational Therapy and Physiotherapy: Further analysis is required to ascertain if there is a legal entity that needs to move into KCC provision for the Occupational and Physiotherapy elements of the current NHS legacy contracts. If there is a legal entity of provision that will continue, this will be managed as TUPE.

Equalities Implications:

An Equality Impact Assessment (EqIA) has been completed. The EqIA has not identified any negative impacts. The new model will offer new and improved service access to protected groups.

Cabinet Committee recommendations and other consultation:

The Children, Young People and Education Cabinet Committee will be consulted on the proposed decision on 27 February 2025.

Any alternatives considered and rejected:

Element One

Option One – Allow contracts to lapse 31 August 2025.

Option Three - Reprocare SLT service with two lots (e.g. East/West).

Option Four - Reprocare SLT service with four lots (Inclusion areas).

Option Five - Roll contracts under existing Terms and Conditions.

Further discounted the option to bring in house

Element Two

Options One -Do nothing

Options Two - Disaggregate the funding and reprocare separately

Options Three - Re-procare with the SLCN as per recommendation

Details of the rejected options are set out in the report.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

N/A

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signed

date