

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Rory Love, Cabinet Member for Education and Skills

DECISION NO:

24/00008

For publication *[Do not include information which is exempt from publication under schedule 12a of the Local Government Act 1972]*

Key decision: YES

Subject Matter / Title of Decision - Special Educational Needs - Therapy Contracts**Decision:**

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

- A) Retrospectively contract with the East Kent Hospitals Trust and the Kent Community Health Foundation Trust for 1 April 2023 to 31 March 2024 for the provision of SEN Therapies
- B) Contract with the East Kent Hospitals Trust and the Kent Community Health Foundation Trust for 1 April 2024 to 31 August 2025 for the provision of SEN Therapies
- C) Agree to the review the Kent and Medway Communication and Assistive Technology service and to incorporate into the wider recommissioning of SEN Therapies
- D) Agree for the exploration of joint commissioning with the NHS for the wider provision of SEN Therapies to include in the re-procurement of NHS Community Services

and

- E) Delegate authority to the Corporate Director of Children, Young People and Education, in consultation with the Cabinet Member for Education and Skills and the Corporate Director of Finance, to take relevant actions, including but not limited to, entering into and finalising the terms of relevant contracts or other legal agreements, as necessary, to implement the decision.

Reason(s) for Decision:

- Decision required because total value will exceed £1m and impact across multiple districts of the Local Authority and this introduces significant changes in the way that services are delivered.

Background

To continue with annual contracts, issued by NHS Providers, for the current Special Educational Needs (SEN) Therapy services. The future commissioning intentions are to align with the NHS Kent and Medway timeline to re-procure their Community Services, and specifically jointly commission an Integrated Therapy Contract for 1 September 2025.

The current annual contract values are £752,905 with East Kent Hospital University Foundation Trust (EKHUFT) and £1,526,586 with Kent Community Health Foundation Trust (KCHFT).

This requires agreeing a retrospective contract for the financial year 2023/2024 and a future contract for 17 months from 1 April 2024 to 31 August 2025.

Decision is also sought to review and bring the Kent and Medway Communication and Assistive Technology service into the new jointly commissioned Integrated Therapy Contract, under the NHS Kent and Medway Community Services re-procurement.

The 2015 Special Educational Needs and Disability (SEND) Code of Practice, sets out that Speech and Language Therapy, Occupational Therapy, Physiotherapy and Assistive Technology should be jointly commissioned.

KCC is working towards a jointly commissioned Integrated Therapy Service, which will include the Kent and Medway Communication and Assistive Technology Service (KMCAT), to maximise the use of finite resources from local authorities, schools, colleges and the NHS improving outcomes for 0–25-year-olds with SEND and their parents/carers.

The joint aim is to establish a new jointly commissioned service by September 2025, to fall in line with NHS Kent and Medway's broader recommissioning of a unified Community Service Offer.

Significant transformational activity is underway with the NHS providers who are working in partnership with KCC and NHS Kent and Medway to develop new ways of working. Implementing a more proactive and preventative tiered approach to the provision of therapy support, that will maximise use of finite resources and ensure a more coherent county-wide offer.

Preferred Option

The preferred option is Option 3, to jointly commission a new outcome-focused integrated therapy service with NHS Kent and Medway, which will ensure our resources are aligned to activity within the NHS for their 2025 contracts. This would allow for the services to be coproduced with Children, Young People, and their families/carers, which is the requirement of the SEND Code of Practice and our commitment with the SEND Coproduction Charter.

Securing Kent's Future – Budget Recovery Strategy

KCC has agreed with the Providers that there will be no increase to the contract price for 2023/2024, however, the Providers have stated that this position will not be sustainable for 2024/2025, and therefore negotiations continue.

The contract values for 2024/2025 will be agreed alongside Finance colleagues and the Director for Education.

The longer term joint commissioning project will meet the ambitions of Framing Kent's Future as follows:

Priority 4: New models of care and support demand for our social care services has outstripped funding year on year. Our commitment is to seize the opportunity of integrating our planning, commissioning and decision making in adult, children's and public health services through being a partner in the Kent and Medway Integrated Care System at place and system level.

It meets the aims of Securing Kent's Future by holding Best Value at the centre of all joint commissioning opportunities.

Consultation

No formal public consultation has been undertaken as we are not proposing any changes to this statutory service. However, local consultation was undertaken with key partners including the VSK, Area Directors, Service Managers and Providers.

Equalities Assessment

A full Equalities Impact Assessment (EqIA) will be completed as part of the Joint Commissioning Strategy, to help us to consider the potential impact of a proposal, and how to make things as fair as possible for anyone who is likely to be affected. The level of detail required for an EqIA depends on how complex the proposal is, and to what extent people are likely to be affected by it. We believe this will have far reaching implications and therefore full EqIA will be required.

Financial Implications

These contracts are for the provision of Therapy staff and are only a proportion of the overall Therapy services purchased by the Council. A high-level reconciliation has been undertaken to be able to justify the level of spend in commensurate with the level of service provided, given that vacancies have been held to compensate for the lack of inflationary uplift.

KCC has been in negotiation with the Providers for this year's fee increase and have agreed in 2023/2024 there will be no fee increase, this has meant the providers have held frozen vacancies.

Both Providers have stated that continuing without a fee increase into the new financial year 2024/2025 will not be sustainable, and therefore negotiations continue.

The current contract values are £725,905 for EKHUFT and £1,526,586 for KCHFT, contract values for 2024/2025 will be agreed alongside Finance colleagues and the Director for Education.

This contract is funded from the Dedicated Schools Grant: High Needs Block, and annual grant provided by the Department of Education.

DPIA

A DPIA checklist will be completed in due course as part of the commissioning plan, to ensure KCC and partners ability identify and minimise the data protection risks within this commissioned activity. As this is a major project which requires the processing of personal data, the DPIA Assessment will therefore:

- describe the nature, scope, context and purposes of the processing;
- assess necessity, proportionality and compliance measures;
- identify and assess risks to individuals; and
- identify any additional measures to mitigate those risks.

Cabinet Committee Recommendations and Other Consultation:

This decision will be considered at the meeting of the Children's, Young People and Education Cabinet Committee on 6 March 2024

Any Alternatives Considered and Rejected:

Do nothing – no perceived advantages identified.

Recommission a KCC only Therapy Contract – economies of scale not achieved, would not be jointly commissioned.

Any interest declared when the decision was taken, and any dispensation granted by the Proper Officer: None

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Signed

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date