

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Lead Member for Children's Services
Date:	8 June 2022
Title:	Approval to Spend Request for Special Educational Needs (SEN) Discretionary Payments
Report From:	Director of Children's Services

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Purpose of this Report

1. The purpose of this report is to seek approval to spend on Special Educational Needs (SEN) discretionary support under a new framework agreement being procured. The framework agreement is being put in place to ensure spend is compliant with procurement regulations, to improve the quality of provision and to ensure that outcomes for pupils are met. In accordance with the Council's scheme of delegation, Executive Lead Member approval is required for spend over £2m.

Recommendation(s)

2. It is recommended that the Executive Lead Member approves spend against the new SEN discretionary spend framework agreement of up to £109m over 12 years (four years, plus two extension options of four years each).

Executive Summary

3. This report seeks to identify the current total discretionary payments spend, outline the work undertaken to review different elements of this spend and proposed developments, and explain the spend that this framework agreement will cover.
4. Discretionary spend is expenditure against part of the high needs block which is part of the ring-fenced Dedicated Schools Grant. The total discretionary spend in the financial year 2021-22 was £13.4m, covering a range of support including SEN support and alternative provision.
5. Current spot purchase arrangements will be improved through the procurement of a framework agreement which will also introduce reporting by providers against Key Performance Indicators and rigorous quality checks.

Contextual information

6. Hampshire County Council (HCC) support approximately 13,262 children and young people who have an Education Health and Care Plan (EHCP). Of these, in the region of 500 require specialist services that will form part of the scope of the new framework agreement.
7. A review of discretionary payments spend was undertaken which identified four key areas of spend:
 - (i) Additional support to schools (e.g. Learning Support Assistants)
 - (ii) Therapies
 - (iii) Packages of support (meaning support which is coordinated by an external provider)
 - (iv) 'Other' (included within this would be specialist teachers experienced in Autistic Spectrum Conditions, music therapy, equine therapy, rebound therapy, play therapy, tutors etc).
8. The aim of these discretionary services is to deliver bespoke, short-term interventions to support engagement or re-engagement with the pupil's education, training, or employment setting. Currently services are spot purchased through 65 providers to meet the needs of pupils in this manner.
9. The new framework will focus on outcomes for pupils, increase quality assurance and will enable compliance in a flexible manner.
10. HCC have approached neighbouring local authorities with a view to potentially joining the framework agreement. At this time, they felt unable to commit to the arrangement HCC are putting in place.
11. The proposal is to have an open framework agreement under the light-touch procurement regulations. This means providers can join at any time. The framework will have six:
 - Lot 1 – Tutoring (QTS qualified)
 - Lot 2 – Tutoring (non QTS qualified)
 - Lot 3 – Speciality Teachers
 - Lot 4 – Regulated services supporting education
 - Lot 5 – Other services supporting education
 - Lot 6 – Registered Physiotherapy
12. Each lot has a price cap, meaning that if providers bid above the capped amount, they will be automatically excluded. Services will be awarded to the best value provider within each lot who is able to meet the outcomes identified at the lowest cost.
13. In accordance with the scheme of delegation, the Director of Children's Services has given approval to procure the framework agreement for up to 12 years (4+4+4), and it is planned to go out to tender in May 2022 with individual packages of services (call offs) being ready for delivery in

September 2022.

14. Approval to spend from September 2022 under this framework agreement is being requested.

Finance

15. Spend on discretionary SEN services has been increasing due to the growing number of pupils with Education Health and Care Plans (EHCPs) and the shortage of SEN school provision. Current approval for support services is overseen by the assistant service managers in SEN.
16. The framework value has been calculated based on current spend (£4.3m), anticipated growth in EHCPs and cost of living increases, making a total contract value of up to £109m. Framework values identified the maximum expenditure under the agreement however there is no commitment to making this level of spend. This is existing spend against the High Needs budget, overseen by the County Education Manager for Inclusion.

Performance

17. Successful framework providers will be required to complete termly reporting against Key Performance Indicators. Quality checks will be undertaken upon application to the framework agreement and as required during its term.

Consultation and Equalities

18. N/A

Climate Change Impact Assessment

19. The outcome of the climate impact assessment was minimal, there will be slight reduction in travel as services are commissioned in localities and some provision may be virtual.

Conclusions

20. It is recommended that the Executive Lead Member approves spend against the new SEN discretionary spend framework agreement of up to £109m over 12 years (four years, plus two extension options of four years each).

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	Yes
People in Hampshire live safe, healthy and independent lives:	Yes
People in Hampshire enjoy a rich and diverse environment:	No
People in Hampshire enjoy being part of strong, inclusive communities:	Yes

Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>
Children and Families Act 2014 (legislation.gov.uk)	2014
SEND Code of Practice January 2015.pdf	2015

Section 100 D - Local Government Act 1972 - background documents	
<p>The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)</p>	
<u>Document</u>	<u>Location</u>
None	

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

The recommendation in this report is that it will have a low impact on groups with protected characteristics. The only protected characteristic effected will be disability which will have a positive public impact as this project will increase oversight and management of providers being commissioned and will encourage the local market to development increasing the amount of suitable local provision.

CLIMATE CHANGE IMPACT ASSESSMENTS

Climate Change Adaptation

A full assessment of climate change vulnerability was not completed as the initial vulnerability assessment showed that the project is at minimal risk from the climate vulnerabilities because the services to be provided will be across the county and will be bespoke to each individual pupils at the time the service is delivered. Therefore, the vulnerability to climate change is minimal as the only risks are any that may be affecting the school sites currently.

Carbon Mitigation

Carbon emissions from this project arise from service providers travelling to and from pupils' schools or other locations to deliver services (tutoring, therapy etc.). these circumstances have existed for several years, and providers may find themselves travelling large distances across the county to be able to meet the needs of the individual pupils.

Carbon emissions will be mitigated under the new framework by ensuring that when providers tender, they only select an area of the county that they can deliver their service in. This will mean that providers will only be called off by the SEN Service if they are local to the pupil and are able to meet their needs locally, this will reduce their carbon impact from travelling. Some services (tutoring) may also be available virtually which they have not been offered as before. This will mean that travel in these cases will cease completely, and the carbon impact will be minimal.