



## Report to Policy Committee

**Joe Horobin/Emma Bryant**

Director Integrated Commissioning/Commissioning Officer

**Tel:** 07875 692402

**Report of:** John Macilwraith

**Report to:** Education, Children and Families Policy Committee meeting

**Date of Decision:** 21<sup>st</sup> July 2022

**Subject:** Renewal of contract with Nexus multi-academy trust to deliver the Medical Needs Education Service

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given? People/EB/BK 040722				
Has appropriate consultation taken place?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-				
<i>"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."</i>				

### Purpose of Report:

This report sets out the proposal to commission the Medical Needs Education Service by way of a service contract with a 2-year term and a value of £2,608,860, as set out in this report.

This report also sets out the Council's intention as part of the commissioning strategy in this report, to direct award a service contract to Nexus Multi-academy Trust in order to deliver the Medical Needs Education Service. The decision to direct award a service contract to Nexus will be taken by the Director of Integrated Commissioning and, for the purposes of this report, such proposals merely form part of the commissioning strategy and shall be subject to separate Officer approval.

**Recommendations:**

It is recommended that the Education, Children and Families Policy Committee:

- 1) approves the commissioning of a service contract with a term of 2 years and a value of £2,608,860, for the provision of the Medical Needs Education Service.
- 2) Notes the intention of the Council to issue a direct award of a service contract to Nexus Multi-academy Trust subject to Officer approval by way of a separate decision report.

**Background Papers:**

*(Insert details of any background papers used in the compilation of the report.)*

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: Finance: Anna Beeby and Gerard Higgins
		Legal: Richard Marik
		Equalities & Consultation: Bashir Khan
		Climate: Jessica Rick
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	<b>SLB member who approved submission:</b>	John Macilwraith
3	<b>Committee Chair consulted:</b>	Dawn Dale
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	<b>Lead Officer Name:</b> Emma Bryant	<b>Job Title:</b> Commissioning Officer, Inclusion & Learning
	<b>Date:</b> 12 July 2022	

## 1. PROPOSAL

- 1.1 It is proposed that the Council commissions a service contract for the delivery of the Medical Needs Education Service. It is proposed that this contract will have a term of 2 years and a value of £2,608,860. The proposed contract will be funded from the Dedicated Schools Grant and is budgeted for within the current resources.
- 1.2 The Medical Needs Education Service achieves positive outcomes for pupils, who meet targets set for their learning in the majority of cases. Attendance improves for most pupils, despite their health needs. Of those who complete Y11, the majority gain qualifications and many progress to further education. Alongside learning, there is a strong focus on personal development, resilience and well-being, and pupil and family feedback show that this is highly valued. In partnership with Commissioning and Attendance & Inclusion, work is ongoing to increase the proportion of pupils who return to school.
- 1.3 The Council are currently party to a contract for the delivery of the Medical Needs Education Service with Nexus Multi-academy Trust and this is due to expire on 31 August 2022. The Council therefore proposes to commission a provider to deliver the Medical Needs Education Service and the proposed contract will enable the Council to meet its statutory duty under s19 Education Act 1996 to make provision for the education of pupils who are unable to access school due to illness or medical needs.
- 1.4 This is a well-established commission with proven outcomes that has grown in size in line with the increasing incidence and complexity of mental health issues in children and young people (evidenced recently in the Health and Social Care Committee report to the House of Commons, 'Children and young people's mental health', December 2021).
- 1.5 It is the intention of the Council, following approval of the commissioning proposals in this report, to seek separate approval to direct award a service contract to Nexus Multi-Academy Trust from the Director of Integrated Commissioning
- 1.6 Becton School have been delivering this service since 2015, and joined Nexus multi-academy trust in 2020. Both Becton school and Nexus multi-academy trust specialise in delivering education for pupils with mental health or medical health needs, or a high level of special educational needs.
- 1.7 The Medical Needs Education Service delivers education for up to 100 primary and secondary pupils who access learning in their centre located in Hillsborough or at home. Most pupils remain on their school roll and Nexus maintains contact with the pupil's school, with a view to reintegration once the pupils is well enough.

- 1.8 This element of the provision is currently funded at £1,226,610 per annum within the existing contract.
- 1.9 Since April 2022, Nexus multi-academy trust have also provided therapeutic outreach into schools under this contract, in order to support pupils with mental health needs whose attendance has dropped to re-engage with education. The outreach has capacity of around 200 pupils supported per year. The therapeutic outreach offer has only been running for a few weeks, however early feedback from schools is overwhelmingly positive.
- 1.10 This element of the provision is currently funded at £77,810 per annum within the existing contract.
- 1.11 Nexus offer guidance and some training for schools to help them support mental health needs prior to this provision being needed.
- 1.12 Becton School (Nexus) have a specialist function and are the sole source of SEND education services it provides. It would not be possible to provide this service in-house at the Council.
- 1.13 Becton School is based in the city of Sheffield and, barring an invest-to-save approach, where the Council jointly set up a facility with another provider to deliver the service, it is unlikely that the same or similar services could be provided at the same level of quality and at the same price by any other provider in the city.
- 1.14 In the short-term, any decision other than a direct award to Nexus would prove disruptive to existing patterns of referral and to vulnerable young people in the city.

## **2. HOW DOES THIS DECISION CONTRIBUTE?**

- 2.1 This provision reflects the ambitions in the One Year Plan by contributing to the reduction of exclusion in all its forms and by employing a trauma informed approach to support pupils with Social Emotional and Mental Health needs who may have been affected by the pandemic (Covid Recovery).
- 2.2 It is in line with commitments in the Inclusion Strategy to identify needs and put the right support in place
- 2.3 It is also in line with the vision for high quality alternative provision described in the recently published SEND Review Green Paper.

## **3. HAS THERE BEEN ANY CONSULTATION?**

- 3.1 Consultation is not required as we are requesting to continue the service.

## **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

### **4.1 Equality Implications**

#### **4.1.1 Equality of Opportunity Implications**

**4.1.2** Decisions need to take into account the requirements of the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010. This is the duty to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

**4.1.3** The Equality Act 2010 identifies the following groups as a protected characteristic: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

**4.1.4** An Equality Impact Assessment has been carried out and highlights the provision under this contract enables children and young people experiencing ill health, mental health issues or pregnancy to continue to access education where they otherwise would not be able to do so. Poor outcomes in education carry with them the risk of future poverty and social exclusion, so this provision may have a positive long term mitigating impact on cohesion and financial inclusion for pupils accessing.

### **4.2 Financial and Commercial Implications**

**4.2.1** The estimated cost is £1,305,000 per annum. The contract is funded from the Dedicated Schools Grant and is budgeted for within the current resources, within the Home and Hospital Service budget and the outreach element from the Inclusion Gateway Fund.

### **4.3 Legal Implications**

**4.3.1** The Council has duty under s19 Education Act 1996 to make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.

**4.3.2** This provision is aimed at those pupils who otherwise would not receive

suitable education due to mental health or medical health needs, or a high level of special educational needs.

- 4.3.3 These arrangements are permitted by the Local Government (Contracts) Act 1997 and should ensure the Council can meet its statutory duty. The proposed service contract is not advised to be subject to the competition requirements under the Public Contracts Regulations 2015.
- 4.3.4 The Council has a statutory duty to provide alternative provision under s19 Education Act 1996 and the funding for the service will derive from the High Needs element of the Dedicated Schools Grant. As such, the proposed contract is in accordance with DfE guidance on contracts which are not “public contracts” for the purposes of the PCR 2015.
- 4.3.5 That being said, the direct award of the contract to Nexus does not completely eliminate the risk of challenge from providers who may argue such a contract is a public contract.
- 4.3.6 The Council must comply with the Contract Standing Orders and is subject to the Best Value Duty.

#### 4.4 Climate Implications

- 4.4.1 Nexus multi-academy trust are at the early stages of planning for sustainability across their provisions. Their plans address transport, energy use and offsetting, and engaging pupils in sustainability. The trust plans to understand its climate impact better, but this is still in progress.
- 4.4.2 The Medical Needs Education provision in this contract is based at Hillsborough barracks, which is a relatively central position within the city and well-placed for transport links. The location was a consideration in the move to this site in 2021. Not all pupils are well enough to use public transport, however this is encouraged where possible and active travel is encouraged within the pastoral and well-being curriculum. Pupils are also given opportunities to engage with environmental issues.
- 4.4.3 Targets for understanding and improving the climate impact of this provision will be included in the new contract.

#### 4.4 Other Implications

- 4.4.1 None

### 5. **ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 Not to renew this contract. This option was rejected because it would leave the LA unable to meet statutory duties relating to pupils with medical needs that make them unable to attend school.

**6. REASONS FOR RECOMMENDATIONS**

- 6.1 Renewal of this contract is the preferred option as it will allow the Council to meet statutory duties in regard to providing education for children and young people with medical needs.

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