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**SEND Regional Commissioning Project**

**Soft Market Testing Exercise**

**July 2018**

**1 Why are we doing Soft Market Testing?**

Soft Market Testing is a method of gathering Market Intelligence on a given subject area by engaging with the providers of the goods / services required. The purpose is to question how the existing services may be being delivered and to look for innovation and/ or alternative delivery models. At the same time the partner local authorities are looking for efficiencies and best value to contribute to outcomes for the children and young people with special educational needs and/or disabilities (SEND) in the region.

**2 Soft Market Testing Process**

Nottinghamshire County Council is undertaking a soft market testing exercise on behalf of nine partner authorities in the East Midlands and is asking organisations to submit responses in support of this work and to help shape the future of the commissioning and procurement of SEND placements in the region.

The partner local authorities are:

* Derby City Council
* Derbyshire County Council
* Leicester City Council
* Leicestershire County Council
* Lincolnshire County Council
* Northamptonshire County Council
* Nottingham City Council
* Nottinghamshire County Council
* Rutland

We have included some questions at the end of this document that should be completed and returned to us by **12:00pm on 07th September 2018**

The information and insight we obtain from these responses will then support the development of an options paper for the Directors of Children’s Services Group with an outcome of the way forward expected in Autumn Term 2018.

Neither the intentions nor the purpose of this soft market testing exercise is to confer any advantage upon its participants in any future procurement process.

This document and associated information is not a call for tenders and tender responses but may support in the development of any future tender information.

**3 Background supporting information**

On the 1st September 2014 the Children and Families Act came into effect and with it a raft of reforms and new duties on local authorities for how services and support are delivered for children and young people with Special Educational Needs and Disabilities (SEND).

Whilst the principles of the SEND reforms are welcomed they come at a time when local authorities are facing unprecedented and sustained financial challenges across all departments. An increase in placements for children and young people with SEND in independent and non-maintained schools and colleges is exacerbating financial pressures; alongside this is a concern that some children and young people have to move away from their local community to access appropriate provision. There is a need for a commissioning solution that will support each individual’s needs, taking account of parental preference whilst at the same time providing local provision and an efficient use of resource.

Each local authority is working in their own area to increase the number of children and young people with SEND who are accessing maintained schools / academies by supporting a robust ‘graduated response’ approach. There will however also be a need for efficient commissioning of SEND provision from the independent and non-maintained sector.

The reasons for placing children with an independent provider include:

* There are no appropriate places available in maintained settings, either due to capacity i.e. there is appropriate provision but all settings are full, or because there is a gap in provision in maintained mainstream or special schools and the child’s needs will be best met in a specialist independent setting.
* Parental preference, where an independent provider is deemed suitable and the local authority do not believe that *‘the attendance of the child or young person there would be incompatible with the efficient education of others, or the efficient use of resources’*
* Parental preference following mediation, where the local authority did not initially agree with the parents preferred school but following mediation have come to an agreement to place there.
* Tribunal directed, where the local authority has named on the child’s EHCP a placement that the parent is not in agreement with and the tribunal process has ruled in favour of the parent.
* Social care led, where the placement is a result of a social care need e.g. the child has come into the care of the local authority and has moved to another area so it is not possible to maintain their current school place.

An estimate of current provision across the region suggest that over 1400 children and young people are placed in the independent and non-maintained sector at an annual cost in excess of £70million.

We are seeking a regional commissioning solution that will enable local authorities and providers from the independent and non-maintained sector to develop a new flexible approach, working together in a way that makes best use of resources, whilst ensuring that children and young people are supported in the most appropriate setting that meets their individual needs throughout their education.

Wherever possible this will mean children and young people are educated in their own community and their education pathway will prepare young people for adulthood promoting independence and employment opportunities.

**4. Please provide a response to the following questions:**

There is a response form attached for you to complete.

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| 1 | How would a regional approach for SEND commissioning fit with your core business? |
| 2 | What similar opportunities are you seeing in the market at the moment? |
| 3 | Is your organisation currently part of other consortia arrangements for children’s services? |
| 4 | What can you tell us about existing contracting arrangements?  What’s working and what’s not working? |
| 5 | What would you view as the main benefits that a regional procurement solution for SEND placements would deliver? |
| 6 | What would you view as the main challenges of a regional procurement solution for SEND placements? |
| 7 | Please list any ideas for innovative practice that you feel would enhance provision and improve outcomes for children and young people with SEND |
| 8 | Please list any ideas for innovative practice where you feel local authorities could support your organisation to deliver efficiencies that would be of benefit to all parties. Include potential social value and positive environmental outcomes |
| 9 | Do you feel there are any learning and development needs within the sector that would benefit from a partnership approach? |
| 10 | What would make this a more attractive offer to your organisation? |
| 11 | Please provide any further information that you feel is relevant and that will inform improvements in commissioning practice for children and young people with SEND in the East Midlands region. |

Responses should be uploaded to the Pro-Contract e portal in time for the closing date **12:00pm on 7th September 2018**.

1. **What will we do with the Information?**

All information gathered from the Soft Market Testing will be carefully considered and put forward as an options paper to the Directors of Children’s Services Group in the Autumn term 2018

Should the decision be to go out to the market to secure this, then an appropriate specification and service model that meets the region’s needs will be designed using the preferred options from the information provided.