

## Notice of KEY Executive Decision

<b>Subject Heading:</b>	<i>Approval for Direct Award for an 18 month contract for Augmentative and Alternative Communication (AAC) equipment and services for children with complex SEND</i>
<b>Decision Maker:</b>	<i>Tara Geere, Director of Starting Well</i>
<b>Cabinet Member:</b>	<i>Councillor Oscar Ford</i>
<b>ELT Lead:</b>	<i>Tara Geere, Director of Starting Well</i>
<b>Report Author and contact details:</b>	<p><i>Elizabeth Dunnett</i></p> <p><i>SEND Education Support Service Manager</i></p> <p><i><a href="mailto:elizabeth.dunnett@havering.gov.uk">elizabeth.dunnett@havering.gov.uk</a></i></p> <p><i>Tel: 01708 433936</i></p>
<b>Policy context:</b>	<p><i>The report is seeking approval to Direct Award a time-limited contract to a supplier with whom we have an established relationship, to ensure continued delivery of statutory services for children &amp; young people with SEND, whilst undertaking a full procurement process.</i></p> <p><i>The SEND Education Service coordinates and funds equipment provision and training for children with complex needs and associated communication access, to meet our legal and statutory requirements set out in the Children and Families Act 2014, Special Education Needs and Disability Regulations 2014, adhering to the SEND Code of Practice 2014.</i></p> <p><i>The AAC outreach provision provided by Charlton Park Academy/CENMAC enables Havering council to meet statutory requirements for children with complex communication needs, as identified in Section F on their EHC's.</i></p> <p><i>This supports the Council's People Theme priorities in the Corporate Plan 2022-23 – 2026-27.</i></p>

## Key Executive Decision

<b>Financial summary:</b>	<p><i>The request is for a Direct Award for an 18-month contract with Charlton Park Academy/CENMAC totalling £510,000 (£198,000 Year 1 &amp; £312,000 Year 2). Contract to start 01.01.26.</i></p> <p><i>The budget for equipment is £340,000 per annum, of which £142k remains unspent at P7 in 2025-26 financial year.</i></p> <p><i>By implementing the waiver from 01.01.26, the Cost Centres A33570 &amp; A33575 will be have sufficient funding to cover £172,000 CENMAC costs for the remaining periods to March 2026.</i></p> <p><i>It has been indicated there will be growth allocated in relation to SEND Reform budget setting for the 2026-27 financial year, which with the existing budget, will cover the £340,000 required for Year 2.</i></p> <p><i>During this period the current contractual arrangements will be reviewed, differing models of service delivery explored &amp; alternative suppliers identified, if available.</i></p> <p><i>During the Direct Award/18-month waiver period, the formal <b>procurement process</b> will take place, giving time for cost-effective tenders to be submitted &amp; reduction in medium-long term cost management to match budget available.</i></p>
<b>Reason decision is Key</b>	<i>(a) Expenditure or saving (including anticipated income) of £500,000 or more</i>
<b>Date notice given of intended decision:</b>	10 <sup>th</sup> July 2025
<b>Relevant Overview &amp; Scrutiny Committee:</b>	<i>People</i>
<b>Is it an urgent decision?</b>	<i>No</i>
<b>Is this decision exempt from being called-in?</b>	<i>No</i>

## **The subject matter of this report deals with the following Council Objectives**

People - Supporting our residents to stay safe and well     **X**

Place - A great place to live, work and enjoy

Resources - Enabling a resident-focused and resilient Council

## **Part A – Report seeking decision**

### **DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION**

*The Director of Starting Well, is asked to approve the award of direct contract to a supplier that we have an established relationship with and who is meeting key performance indicators in order to continue to deliver statutory services for children & young people whilst undertaking a full procurement process.*

*The contract sought fulfils statutory responsibilities the Council is required to deliver, addressing current challenges relating to having insufficient staffing capacity. Given the provider is currently delivering our statutory requirement there are limited negative impacts, and agreement to seek a contract of this nature will benefit children and young people with special educational needs and disabilities.*

*The recommended Direct Award will enable outstanding invoices and future invoices to be paid for an 18 month period, whilst formal procurement processes are completed.*

### **AUTHORITY UNDER WHICH DECISION IS MADE**

#### **3.3.3**

#### **Contracts**

**4.2** To award all contracts with a total contract value of below £1,000,000 other than contracts covered by Contract procedure Rule 16.3. This delegation shall include the ability to extend or vary a contract up to and including a value of £1,000,000 (provided that the extension is in line with the existing contractual provisions)

As delegated on 3 April 2024

#### *Part 4.4*

**14.3** Exceptions to the competition requirements may be made only if all relevant law is complied with and one of the following circumstances applies:

- i. the contract falls within one of the exceptions listed in this Rule; AND
  - a. the Competition Financial Thresholds Exceptions, is fully and properly completed and signed by the relevant Member of SLT; AND
  - b. the person awarding the contract can demonstrate that the contract represents the best value that can be obtained in the circumstances.

**14.4** The exceptions are:

**14.6.2** Specialist services/supplies - available only from one supplier in the European Union – for example, specialist niche consultants or supplies

## **Key Executive Decision**

### **STATEMENT OF THE REASONS FOR THE DECISION**

*SEND Education Service coordinates and funds equipment provision and training for children with complex needs and associated communication access*

- *to meet the legal and statutory requirements as documented in their EHCPs*
- *adhering to the SEND Code of Practice 2014*

*The Augmentative & Alternative Communication outreach provision provided by CENMAC enables LBH to meet the statutory requirements of children with complex communication needs, as identified in Section F on the EHCP.*

*The Council needs to engage specialist providers for assessment and equipment to comply with statutory responsibilities and fulfil operational demands. This is particularly relevant for positions required to undertake assessments as part of the Education, Health, and Care (EHC) needs assessments, in line with the Children and Families Act (2014)*

*The contract sought is to fulfil statutory responsibilities the Council already has and delivers, addressing challenges relating to having insufficient staffing capacity to do so. It therefore does not have any negative impacts, and agreement to seek a contract of this nature will benefit children and young people with special educational needs and disabilities.*

### **OTHER OPTIONS CONSIDERED AND REJECTED**

*We are currently not aware of any alternative local providers able to offer the full range of market options in relation to cost, efficiency and expertise.*

*Charlton Park Academy have bulk contracts with specialist suppliers maximising cost-benefit and efficiency with equipment and software purchase arrangements.*

*Eg. Bulk purchase for specialist Apps are 50% of the market price, compared to single-use purchase. Multiple Apps are being accessed and purchased.*

*The specialist outreach service from CENMAC is provided across multiple London Boroughs.*

*Currently 171 students receive CENMAC Packages, who all benefit from this saving.*

### **PRE-DECISION CONSULTATION**

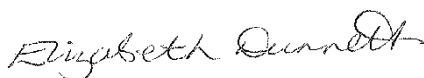
*No formal consultation has been made to date.*

### **NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Elizabeth Dunnett

Designation: SEND Education Support Service

Signature:



Date: 22.12.25

## Key Executive Decision

### Part B - Assessment of implications and risks

#### LEGAL IMPLICATIONS AND RISKS

*The Council has a general power of competence under Section 1 of the Localism Act 2011 to do anything an individual can do, subject to any statutory constraints on the Council's powers. None of the constraints on the Council's Section 1 power are engaged by this decision.*

*The value of the proposed contract for 18 months is estimated to be £510,000. The services fall under the "light touch regime" of the Procurement at 2023 (PA) and the value of the proposed contract falls below the threshold under the PA for these services.*

*It is noted that the waiver falls within the exceptions under the Contract Procedure Rules 14.6.2, "Specialist supplies/services - available only from one supplier in the European Union – for example, specialist niche consultants or supplies"*

*It is therefore that this waiver can be accepted and contract awarded to the supplier. It must also be noted that the new procurement process must commence and new contract awarded pursuant to that procurement prior to the expiry of the proposed contract.*

#### FINANCIAL IMPLICATIONS AND RISKS

The 18 month contract will be funded from cost centres A33570 and A33575, and is statutory spend to provide equipment and training for children with complex needs and associated communication access, to meet the legal and statutory requirements as documented in their EHCPs, adhering to the SEND Code of Practice 2014.

Based on the contracted value monthly spend, it would result in an overspend on £3.4k this financial year and £55k in the next financial year vs the current budget. However, the actual contract value is based on usage with actual spend expected to be closer to £26.5k per month which would reduce the overspend figures. The spend exceeding the budget will be additional pressure on the DSG and this will be considered in the budget setting process for 26-27.

The service are also expecting to receive a Learning Difficulties and Autism (LDA) grant amounting to £26k which will be used to offset any overspends.

18 month contract	510,000
Monthly cost	28,333

2025/26	Budget	Spend to date (P7)	Expected costs for remainder of year (5 months)	Forecast overspend
A33570 : SEN Specialist Equipment - Primary - DSG	215,000	145,656		
A33575 : SEN Specialist Equipment - Secondary - DSG	125,000	56,149		
Expected remaining spend on CENMAC contract	-		141,667	
Total	340,000	201,805	141,667	3,472

2026/27	Budget	Expected costs for 12 months	
A33570 : SEN Specialist Equipment - Primary - DSG	215,000	-	
A33575 : SEN Specialist Equipment - Secondary - DSG	125,000	-	
Expected total spend on CENMAC contract	-	340,000	
Other costs OT equipment, Hearing loops, Chairs, and other equipment)	-	55,000	
Total	340,000	-	395,000

## **Key Executive Decision**

### **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

*The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council or its workforce.*

### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

*The contract sought is to fulfil statutory responsibilities the Council already has and delivers, addressing challenges relating to having insufficient staffing capacity to do so. It therefore does not have any negative impacts, and agreement to seek a contract of this nature will benefit children and young people with special educational needs and disabilities.*

### **HEALTH AND WELLBEING IMPLICATIONS AND RISKS**

*London Borough of Havering is committed to protecting and promoting the health and wellbeing of its residents. There are no direct health and wellbeing implications directly arising from the recommendation to direct award a contract for AAC provision to Charlton Park Academy/CENMAC. Ensuring access to AAC provision for children with complex needs supports communication and interaction, and therefore offers positive wellbeing benefits for this cohort, particularly in relation to mental and social wellbeing.*

### **ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

*The contract sought does not have a negative environmental impact according to the categories reported in the Climate Change and Sustainability commitment. Although there is a travel element to the services provided by CENMAC; they have recently employed a Havering resident who will be able to fulfil the support for schools and students, which will lessen the travel involved. All equipment allocated to students is re-purposed, repaired or up-cycled for subsequent allocation to students.*

### **BACKGROUND PAPERS**

None

### **APPENDICES**

None

**Key Executive Decision**

**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Proposal agreed

**Details of decision maker**

Signed 

Name: Mrs Tara Geere

Title: Director of Starting Well, Statutory Director of Children's Services

Date: 5/2/26

**Lodging this notice**

The signed decision notice must be delivered to Committee Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_