

Cabinet

6 March 2025

Procurement of SEND Mediation Services

Recommendations

That Cabinet

1. authorises the Executive Director for Children and Young People to commence a procurement exercise for the provision of SEND Mediation Services.
2. authorises the Executive Director for Children and Young People to enter into relevant contracts for the provision of SEND Mediation Services on terms and conditions acceptable to the Executive Director for Resources.

1. Executive Summary

- 1.1 To comply with the SEND Code of Practice 2015, Warwickshire County Council (WCC) has a statutory duty to provide SEND mediation services available, free of charge, for families looking to challenge a decision linked to an Education Health and Care (EHC) needs assessment and/or special educational provision. Such mediation services must be delivered independently from the Local Authority.
- 1.2 This duty is currently met by signposting families to a choice of three providers, through historical contracting arrangements established in 2014. It is proposed to replace this arrangement with a contract awarded to a single provider through a competitive tender process.
- 1.3 The intention to enter into a competitive tender process to recommission a new service is likely to bring about significant benefits in that it will offer the opportunity to:
 - Update service requirements
 - Evaluate tenders based on quality and price
 - Secure an improved price
 - Ensure compliance with procurement regulations.
 - Facilitate a new, more robust contractual arrangement and operational relationship with the provider.
- 1.4 The initial contract period will be for three years, with the option to extend by two further periods of three years (up to a total period of 9 years).

- 1.5 Commissioners are working with Warwickshire Parent Carer Voice to ensure that the new service is designed around the needs of Warwickshire families, whilst at the same time ensuring the most cost-effective solution.

2. Financial Implications

- 2.1 In Warwickshire, the number of families accessing SEND mediation services each year has tripled from 111 in 2021 to 330 in 2024.
- 2.2 Consequently, WCC expenditure on SEND mediation services has increased from £174,129 in 2021/22 to £335,400 forecast for the current financial year, as outlined in Table One.

Table One: SEND Mediation expenditure

Year	Expenditure
2021/22	£174,129
2022/23	£274,121
2023/24	£355,166
2024/25	£335,400 (forecast)

- 2.3 During this period, the unit cost charged by providers for each mediation session has remained unchanged.
- 2.4 A Medium-Term Financial Strategy (MTFS) saving has been identified from 2025/26 onwards that will see the core budget allocated to Mediation Services reduce from £300,000 to £250,000 per year. This saving will be achieved through both a reduction in the unit cost of the service, and in the number of families accessing the service.
- 2.5 In relation to the unit cost, it is anticipated that the tender process will lead to a reduction in the fees paid by the Council for each mediation provided. As nearly all mediations are now held on-line, providers should be able to offer a better value service. Evidence from other Local Authorities suggests there is an opportunity to reduce the unit cost for each mediation provided by approximately 20%.
- 2.6 In relation to the number of families accessing the service, the Council has adopted new processes to resolve potential disagreements with families at an earlier stage. It is anticipated that this will see an increase in the number of disagreements resolved without the need for the mediation service.

3. Environmental Implications

- 3.1 There are no direct environmental implications associated with this report.

4. Supporting Information

- 4.1 Mediation is an informal, confidential and voluntary disagreement settlement process run by an independent facilitator. It is designed to bring parties together to clarify issues and help settle disagreements. For families in dispute with the Local Authority around Special Educational Needs Assessments or provision, mediation provides an opportunity to resolve issues without resorting to the formal appeal process
- 4.2 Warwickshire County Council has a statutory under the SEND Code of Practice to commission this service through a provider or providers independent of the Local Authority, and for this service to be available to families free of charge.

5. Timescales associated with the decision and next steps

- 5.1 Subject to Cabinet’s approval of this report, the proposed procurement schedule is shown in Table Two below:

Table Two: Procurement Schedule

Date	Activity
1 st April 2025	Publish the Invitation to Tender
12 th May 2025	Deadline for applicants/ providers to respond
24 th June 2025	Contract Award
July/August 2025	Mobilisation period
1 st Sept 2025	New SEND Mediation Service to commence
31 st August 2028	End of contract (with an option to extend)

Appendices

There are no appendices circulated with this report.

	Name	Contact Information
Report Author (s)	SEND Commissioning & Strategy Support Lead – Harpreet Deo	harpreetdeo@warwickshire.gov.uk
Director	Director for Education- Johnny Kyriacou	Johnnykyriacou@warwickshire.gov.uk
Executive Director	Executive Director for Children and Young People – Nigel Minns	Nigelminns@warwickshire.gov.uk
Portfolio Holder	Portfolio Holder for Education – Councillor Kam Kaur	kamkaur@warwickshire.gov.uk

The report was circulated to the following members prior to publication:

Local Member(s): N/A – County-wide report

Other members: Councillors Marian Humphreys, Jerry Roodhouse, and Barbara Brown