

CABINET

DATE	08/09/2021
REPORT OF	Councillor Ian Lindley - Portfolio Holder for Children, Education and Skills
RESPONSIBLE OFFICER	Lisa Arthey - Director of Children's Services
SUBJECT	Special Educational Needs and Disabilities Information Advice and Support Service (SENDIASS) contract
STATUS	Open
FORWARD PLAN REF NO.	CB 09/21/07

CONTRIBUTION TO OUR AIMS

The project directly supports Stronger Economy, Stronger Communities by ensuring that appropriate and timely, information, advice and guidance can be sought by parents/carers and young people themselves on a range of Special Educational Needs and Disabilities (SEND) and Inclusion related topics.

Under the SEND Code of Practice (2015) Local Authorities have a statutory requirement to provide an independent information, advice, and guidance service for parents/carers of children with SEND.

EXECUTIVE SUMMARY

The contract for providing independent information, advice and guidance comes to an end on 31st December 2021. The contract provides a statutory service to parents/cares of children with SEND, including those who are in receipt of Education, Health and Care Plans.

There are 2 extension periods available within the current contract, although the current provider has requested additional funds for the extension periods. Therefore, approval is sought to go out to procurement instead to test value for money

It has been identified that the current specification needs reviewing to meet the wider needs of parents/carers who seek information, advice and guidance about other areas including exclusions and elective home education.

The Council intend to procure a new Information, Advice and Guidance (IAG) for Parents Carers of SEND, following a review of needs and requirements in consultation with the Market, Parents, Carers, and other professionals. This will comply with Public Contract Regulations, the Council's Contract Procedure Rules and ensure the Council achieved its duty of Best Value.

It is crucial that the Council procure a service that provides high quality IAG to parents, carers, young people and professionals in order that Children and young people with SEND are able to access timely support at the earliest opportunity.

RECOMMENDATIONS

It is recommended that Cabinet:

1. Approves the commencement of a procurement exercise for the Independent Information, Advice and Guidance Service for SEND.
2. Delegates authority to the Director of Children's Services, in consultation with the Portfolio Holder for Children, Education and Skills, to deal with all matters leading to and including the award of the contract for the Independent Information, Advice and Guidance Service for SEND.
3. Authorises the Assistant Director Law, Governance and Assets to complete and execute all legal documentation in connection with the award.

REASONS FOR DECISION

The decision allows the Council to commence a procurement exercise for the Independent Information, Advice and Guidance Service for SEND, following consultation with parents, carers, young people, schools, and Academy Trusts. It also allows the Council to award the contract.

1. BACKGROUND AND ISSUES

- 1.1 The current SENDIASS contract with the Local Authority ends on the 31st of December 2021.
- 1.2 There has been a rise in the numbers of children and young people who require additional support through an Education Health and Care Plan since the contract was procured three years ago. In January 2017 639 children and young people received an EHCP, in January 2021, 1206, children and young people were in receipt of an EHCP. Therefore, the demand for independent information, advice and guidance has increased.
- 1.3 There has been acknowledgement that other teams and services who also work with children and young people with SEND, or on the edge of SEND also would benefit from providing independent advice and guidance to parents too. This includes, exclusions, including the use of informal exclusion methods such as part time timetables, elective home education and the specialist assessment pathway.
- 1.4 The CCG and Local Authority will work together to ensure that independent information, advice, and guidance service to parents/carers of children with SEND, on a range of issues, in order that they can support their children to fulfil their potential and contribute fully to the local community and economy.
- 1.5 Procuring an independent IAG provider for SEND is a statutory requirement of Local Authorities as outlined in the SEND Code of Practice.
- 1.6 COVID has changed the methods of delivery for part of the service, as parents/carers and young people have adapted to online meetings and discussions instead of traditional face to face, office-based meetings.

2. RISKS AND OPPORTUNITIES

- 2.1 There is a significant risk that the Local Authority will be unable to meet its statutory duty under the SEND Code of Practice to secure a provider to deliver independent information, advice, and guidance, to parents/cares and young people. The impact of this would be additional complaints and challenge from parents/carers about the services that they receive for their children or young people with SEND.
- 2.2. The tender will be jointly commissioned across education, health and social care SEND services to provide a high-quality service for parents/carers and young people.
- 2.3 An open competition to identify a suitable contractor for this service will assure the Local Authority and CCG that they are discharging statutory responsibilities whilst providing a service that represents excellent value for money and quality.

3. OTHER OPTIONS CONSIDERED

- 3.1 Do nothing – This would result in the Local Authority not meeting its statutory responsibilities as the current provider has already outlined the challenge in delivering the service without additional funding within the parameters of the contract extension.
- 3.2 Keep the same specification and re-procure with an alternative provider. – this wouldn't ensure that the specification is fit for purpose for the current needs and demand around SEND and inclusion.
- 3.3 Increase the contract value and keep the same specification – this wouldn't ensure that the Local Authority are receiving value for money or that the specification is reflective of current local need. Dependent on the value of any increase, this could also breach NELC Contract Procedure Rules

4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

- 4.1 Not procuring a new provision could have adverse reputational risks as the service is a statutory requirement.
- 4.2 An action plan has been discussed with the Council's communications service which will ensure that a robust, comprehensive communications plan is in place.

5. FINANCIAL CONSIDERATIONS

- 5.1 The contract is currently valued at £78k per year.
- 5.2 Additional requirements of the specification will also require an additional financial resource from the service area.
- 5.3 Part of the open market consultation is to identify best value for money model too.

6. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

- 6.1 The Local Authority seek to work with partners to identify environmentally friendly solutions. Any new advancements in technology and materials are also considered, explored, and implemented wherever possible.

7. CONSULTATION WITH SCRUTINY

- 7.1 There has been no consultation with scrutiny at this stage.

8. FINANCIAL IMPLICATIONS

The value of the current contract is £78k per annum which is met from core Council funding. The financial impact of increasing the specification will not be known until the procurement exercise is completed. Should the procurement exercise result in further funds being required it will then need to be determined how the service, or partners, given this is a joint procurement exercise with health, can meet any additional cost.

9. LEGAL IMPLICATIONS

- 9.1 Under the SEND Code of Practice, Local Authorities have a statutory duty to provide an independent information, advice, and guidance service for children with SEND and their parents/carers.
- 9.2 The procurement exercise will be conducted to comply with the Council's policy and legal obligations, specifically in compliance with the Council's Contract Procedure Rules the Public Contracts Regulations 2015 and will enable a review of the current needs and requirements of the service.
- 9.3 Legal Services will support the process, as required, and completion of the contractual documentation on award.
- 9.4 The delegations sought are consistent with an exercise of this nature.

10. HUMAN RESOURCES IMPLICATIONS

There are no direct HR implications

11. WARD IMPLICATIONS

All Wards will be affected.

12. BACKGROUND PAPERS

None.

13. CONTACT OFFICER(S)

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