

REPORT TO CABINET

17 October 2018

Subject:	Commence a procurement process and award a contract for SEND Information, Advice and Support Service (SENDiass)
Presenting Cabinet Member:	Councillor Simon Hackett – Cabinet Member for Children's Services
Director:	Executive Director – Resources – Darren Carter Executive Director of Children's Services – Lesley Hagger Director – Education, Skills and Employment – Chris Ward
Contribution towards Vision 2030:	
Key Decision:	Yes
Forward Plan (28 day notice) Reference:	SMBC11/10/2018
Cabinet Member Approval and Date:	Councillor Simon Hackett
Director Approval:	Darren Carter Lesley Hagger Chris Ward
Reason for Urgency:	Urgency provisions do not apply
Exempt Information Ref:	Exemption provisions do not apply
Ward Councillor (s) Consulted (if applicable):	Ward councillors have not been consulted
Scrutiny Consultation Considered?	Scrutiny have not been consulted
Contact Officer(s):	Peter Forth – Senior Commissioning Manager peter_forth@sandwell.gov.uk

DECISION RECOMMENDATIONS

That Cabinet:

1. Following the appropriate procurement processes and in line with the Council's Procurement and Contract Procedure Rules, that the Director - Monitoring Officer be authorised to agree and enter into a new contract with the successful tenderer for the provision of a SENDIASS service for a three-year period from 1 April 2019 to 31 March 2022 (with the option to extend for a further year) on terms to be agreed by the Director - Education, Skills and Employment.
2. Authorise the Director – Monitoring Officer to make any necessary exemptions to the Council's Procurement and Contract Procedure Rules to allow action in 1 to be undertaken.

1 PURPOSE OF THE REPORT

- 1.1 The Children and Families Act 2014 requires local authorities to provide children with special educational needs (SEN) or disabilities for whom they are responsible with impartial information and advice about matters relating to their SEN or disability.
- 1.2 On 8 October 2014 Cabinet duly approved the establishment of a new information, advice and support service for parents/carers and young people with Special Educational Needs and Disability (SEND) (Minute No 58/14 refers). It is now referred to as SENDIASS service in Sandwell and following the appropriate procurement processes Action for Children were duly appointed. The contract for that service expires on 31 March 2019.
- 1.3 This report seeks approval to go out to tender again to identify a suitable agency to run the service.

2 IMPLICATION FOR THE COUNCIL'S AMBITION

- 2.1 This service has a focus on ensuring that children, young people and their families receive the information, advice and support that they require in respect of their Special Education Need or Disability. This Service will help the Council to achieve its ambition 1 in relation to families having high aspirations, and meeting the commitment to equality of opportunity and on adaptability and resilience.
- 2.2 The service in their information and support role will also help in achieving ambition 4 to ensure that children benefit from the best start to life and a high-quality education throughout their school careers with outstanding support from their teachers and families.

- 2.3 In addition the Service will contribute to ambition 5 in terms of our communities being built on mutual respect and taking care of each other.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 The provision of a SENDIASS service is a legal requirement of the local authority.
- 3.2 The current contract for the provision of that service ends on 31 March 2019. This contract cannot be extended.
- 3.3 It is essential that the local authority goes out to tender to find a suitable organisation to run the service from 1 April 2019 to avoid any gaps in service provision.
- 3.4 It is anticipated that there will be interest in the opportunity from both national and local voluntary sector organisations.
- 3.5 Work has commenced on the necessary tender documents and, if approved, it is anticipated that the authority will be out to tender in November 2018 with an award of contract scheduled for early 2019.
- 3.6 Staff of the project are currently employed by Action for Children and TUPE would apply if there is a change of service provider through this process.
- 3.7 Quarterly contract meetings are held with the provider by the local authority to monitor progress and address issues as necessary.

4 THE CURRENT POSITION

- 4.1 The SENDIASS service is currently operated by Action for Children. The staff team are based at Greets Green Children's Centre in West Bromwich as Action for Children currently has a lease on that building as part of their Children's Centre contract.
- 4.2 The demands on the service are high and have exceeded the originally anticipated level. Action has been taken to manage those demands through the assessment of levels of support required; proactively closing cases once a presenting issue has been addressed; and giving reassurance to families that they can come back for further support if required. The systems that have evolved will be included in the specification for the service.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 5.1 A consultation exercise is being undertaken in September and October 2018 with customers and stakeholders about the service. The feedback from that exercise will duly inform the specification of the future service.
- 5.2 In quarter one of 2018/19 (April to June 2018) 100% of users that completed the satisfaction survey rated the current service as helpful or very helpful; 98% of parents felt supported by the service and 100% said that they would recommend the service to others.

6 ALTERNATIVE OPTIONS

- 6.1 In some local authorities the service has been provided internally. This has led to problems about how the service is viewed by parents. In addition, this approach has led to internal problems in addressing issues and determining roles. This option has been discounted as it fails to give the necessary impartiality for families.

7 STRATEGIC RESOURCE IMPLICATIONS

- 7.1 The full cost to the Council of providing the Special Educational Needs and Disabilities (SEND) Information, Advice and Support Service (SENDIASS) is £125,000 per annum and is supported by the Special Educational Need and Disabilities (SEND) budget.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 Under section 32 of the Children and Families Act 2014 the local authority must make arrangements for the provision of information and advice to children and young people and the parents of children and young people for whom it is responsible relating to the special educational needs and disabilities of the children and young people concerned.
- 8.2 All information, advice and support should be at 'arm's length' from the local authority to ensure impartiality. This is detailed in Section 2 of the Department of Health and Department for Education SEND Code of Practice 2015 which is statutory guidance.
- 8.3 Under Section 1 of the Local Government (Contracts) Act 1997, the local authority may enter into contracts for the purposes of or in connection with the discharge of its statutory functions.
- 8.4 Contracts must be awarded in accordance with the local authority's Procurement and Contract Procedure Rules and the Public Contracts Regulations 2015.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 The service must be available for all parents and carers of children and young people with a Special Educational Need or Disability for whom Sandwell has responsibility.
- 9.2 The service monitors the take-up of the service on the basis of disability, gender, ethnicity, school, town, referral reason and source as well as intervention level. Monitoring reports are submitted to the local authority and duly reported to the SEND Board.

10 DATA PROTECTION IMPACT ASSESSMENT

- 10.1 The council is not required to carry out a data protection impact assessment because the successful provider will be required as part of the contract to confirm the systems that they will use to ensure governance around the use of information.
- 10.2 The proposed recommendation for award of contracts will be covered by the Council's Contract Terms and Conditions which stipulate adherence and compliance with Data Protection requirements.
- 10.3 Parents contact the service direct and determine issues at that stage about sharing information.

11 CRIME AND DISORDER AND RISK ASSESSMENT

- 11.1 No crime and disorder issues have been identified.
- 11.2 The Corporate Risk Management Strategy (CRMS) has been complied with to identify and assess risks associated with this decision. This includes (but is not limited to) crime and disorder, political, legislation, financial, environmental and reputational risks. Based on the information provided, it is the officers' opinion that there are no current "red" risks that need to be reported with regards to this proposal.

12 SUSTAINABILITY OF PROPOSALS

- 12.1 Demand on the service has grown as it has become well-known and well-respected. Action has been taken to manage that demand and maximise the resources available. It is expected that the lessons learned to date will allow the service to operate within the confines of the resources available.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

- 13.1 The service provides an independent and impartial service to support families on a range of issues. It offers the opportunity for parents to build their self-confidence so that they can express their views and concerns at formal meetings.
- 13.2 Parents are also encouraged to become part of the Sandwell Parents Voice scheme which offers mutual support to families as well as directly determining how their Department for Education grant funding (£15,000 per annum) is to be used.
- 13.3 The Service has close links with other service providers in the borough to be able to ensure families can access the support that they require.
- 13.4 Consideration will be made to the added social value that can be derived from this contract during the procurement process.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

- 14.1 None.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 15.1 The local authority is required to provide a SENDIASS service. The current contract for that service expires on 31 March 2019.
- 15.2 It is essential that the authority goes out to tender again to identify a suitable agency to operate this facility in the future.

16 BACKGROUND PAPERS

- 16.1 None.

APPENDICES:

None.

Darren Carter
Executive Director – Resources

Lesley Hagger
Executive Director of Children's Services

Chris Ward, Director
Education, Skills and Employment