

COMMISSIONING AND PROCUREMENT SUB-COMMITTEE

13/06/17

Subject:	Information, Advice and Support Services for children and young people with SEND and their families		
Corporate Director(s)/ Director(s):	Pat and Sarah Fielding, Director of Education Katy Ball, Director of Commissioning and Procurement		
Portfolio Holder(s):	Councillor David Mellen, Portfolio Holder for Early Intervention and Early Years Councillor Sam Webster Portfolio Holder for Business, Education and Skills		
Report author and contact details:	Lisa Lopez, Commissioning Manager lisa.lopez@nottinghamcity.gov.uk Tel: 0115 87 62746		
Key Decision	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Subject to call-in
			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Reasons:	<input type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision		<input type="checkbox"/> Revenue <input type="checkbox"/> Capital
Significant impact on communities living or working in two or more wards in the City			<input type="checkbox"/> Yes <input type="checkbox"/> No
Total value of the decision: £162,200 per year for 5 years (£811,000 over whole life of contract) Nottingham City Council funding			
Wards affected: All		Date of consultation with Portfolio Holder(s): Councillor David Mellen and Councillor Sam Webster - 25 May 2017	
Relevant Council Plan Key Theme:			
Strategic Regeneration and Development			<input type="checkbox"/>
Schools			<input checked="" type="checkbox"/>
Planning and Housing			<input type="checkbox"/>
Community Services			<input type="checkbox"/>
Energy, Sustainability and Customer			<input type="checkbox"/>
Jobs, Growth and Transport			<input type="checkbox"/>
Adults, Health and Community Sector			<input type="checkbox"/>
Children, Early Intervention and Early Years			<input checked="" type="checkbox"/>
Leisure and Culture			<input type="checkbox"/>
Resources and Neighbourhood Regeneration			<input type="checkbox"/>
Summary of issues (including benefits to citizens/service users):			
<p>This report seeks approval for the procurement of a service providing Information, Advice and Support to children and young people with special educational needs and/or disabilities (SEND) and their families. The proposed service is detailed in Exempt Appendix 3</p> <p>Local authorities have a statutory duty to provide information, advice and support to children and young people with SEND and their families.</p> <p>The proposed service would provide clearer pathways for children and families with SEND in relation to accessing information, advice and support, enable children and families with SEND to have more say in services that will support them, and ensure children and families with SEND are able to access information in a timely manner, improving their opportunities for self-care.</p> <p>It is proposed that the re-commissioning and tender process be undertaken jointly between Nottingham City Council and Nottinghamshire County Council, and include input from Nottingham City Clinical Commissioning Group (CCG). This will allow the continued development</p>			

of seamless support for families across both Nottingham City and Nottinghamshire County, including Health and Education. It is proposed that Nottinghamshire County Council would lead the procurement processes and contract management, subject to agreement of suitable processes and arrangements.

The contracts for the existing services providing Information, Advice and Support all end on 31st March 2018. Therefore any new services would need to be in place by 1st April 2018 in order to provide continuous support.

Exempt information:

State 'None' or complete the following.

An appendix to the report is exempt from publication under paragraph 3 of Schedule 12A to the Local Government Act 1972 because it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) and, having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. It is not in the public interest to disclose this information because it is commercially sensitive and may prejudice the tender process.

Recommendation(s):

- 1** Approve the expenditure of £811,000 over the 5 year contract term for the provision of the Information, Advice and Support Service (IASS) detailed in Exempt Appendix 3. This will include £121,000 from the SEND Reform Grant 2017/18.
- 2** Approve the procurement of the Information, Advice and Support Service detailed in Exempt Appendix 3, jointly with Nottinghamshire County Council, through an appropriate procurement process, and to award the contracts for the services based on the outcomes of the procurement process. The approved contracts would commence on 1st April 2018, for a three –year period with an option to extend on an annual basis for a further two years (i.e. 3+1+1), to a maximum of 5 years in total.
- 3** Delegate authority to the Director of Commissioning and Procurement to approve the outcome of the procurement processes and award contracts to providers that are deemed most suitable to provide these services.
- 4** Delegate authority to the Head of Contracting and Procurement to sign the final contracts and agree annual extensions on the basis of performance and budget availability.

1 REASONS FOR RECOMMENDATIONS

- 1.1 To provide information, advice and support for children and young people with special educational needs and/or disabilities, and their families. Numbers of children and young people with SEND have increased for several years and are expected to continue to increase. Improved access to appropriate, trusted, impartial information could increase self-efficacy by enabling families with lower levels of need access appropriate support without the need for formal assessments, reducing demand on services.
- 1.2 To support the fulfilment of statutory duties towards children and young people with special educational needs and/or disabilities, and their families, under the Children and Families Act 2014 and the SEND Code of Practice 2014. The Children and Families Act 2014 requires local authorities to identify all the children and young people who have or may have special educational needs, and/or a disability within their area, and to ensure that education,

health and social care services work together where this would improve support for the child/young person.

- 1.3 To improve efficiency and value for money in the services we commission. The services which are currently commissioned to provide information, advice and support by across Nottingham City and Nottinghamshire County are discussed in section 2.2 of this report. A single efficient combined service could continue to support families, whilst improving clarity of the pathway to access information for families, and reducing costs in service management, procurement and contract management. The proposed service could indirectly provide further savings by increasing self-efficacy of families and reducing demand for formal assessments and EHCPs. The proposed new service and costs are detailed in Exempt Appendix 3.
- 1.4 To improve access to information for children and young people with special educational needs and/or disabilities. Historically the services have focussed on providing information to parents and carers. In response to the SEND Code of Practice and good practice in working with children and young people, the proposed new service will include greater focus on providing information and support for young people to ensure the service is suitable for them when they require it.
- 1.5 To ensure the voice of the citizen is captured through engagement and feeds into the development of IASS provision. The current SEND Engagement contract (for Nottingham City only) includes work to support the IASS review, linking the views of parents, families and young people with SEND into development of the proposed new IASS. The proposed new service will include engagement activities as part of the contract (for Nottingham City only), working with children/young people as well as their families, and feeding their views into ongoing service development. This will embed a culture of participation and co-production within the provision of IAS services, providing more opportunities for different types of citizen engagement and participation.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

2.1 Key local and national drivers

The Children and Families Act 2014 requires a local authority to identify all the children and young people in its area who have or may have SEND, and to ensure that education, health and social care services work together cohesively, where this would improve support for the child/ young person.

The SEND Code of Practice 2014 requires local authorities to provide children and young people with SEND, and their parents/carers, with information and advice about their educational needs and/or disabilities, and related issues, through a dedicated, easily identifiable service at arm's length from local authorities and health organisations, which is free, impartial, confidential, accessible, and responsive to needs of users.

Nottingham City Council's Children and Young People's Plan (CYPP) 2016-2020 outlines the approach of tiered support for children and young people with SEND, and their families, with needs being met through universal services where possible, and those with more complex needs receiving a more extensive range of support, which is de-escalated if and when this becomes appropriate.

2.2 Current services providing Information, Advice and Support

A range of services offering Information, Advice and Support are currently being provided. Commissioned services are shown in Appendix 1.

Providers of services supporting children and young people with SEND and their families report annual increases in demand, and capacity in services as being very strained.

2.3 Risks

- Valued elements of the current services are funded through non-recurrent funding from
 - SEND reform funding
 - Funding from NHS Nottingham City CCG which is not agreed beyond March 2018.
- The new service will be supporting increased demand, which is expected to continue to increase, with reduced funding due to the end of the SEND reform funding.
- Should NHS Nottingham City CCG not agree to a funding contribution towards supporting EHCP applications, we would need to review the application process. Without support through a specialised service, the process would require greater staff involvement from both Nottingham City Council and NHS Nottingham City CCG, resulting in increased staffing costs.

2.4 Consultations

Consultations with parents and families took place January – April 2017, via physical surveys and online via Survey Monkey. An Options Generation event took place in April 2017, at which professionals from Education, Health and Social Care settings, and parent carer representatives, took part in group activities to identify and shape possible service models. To consult with children and young people with SEND, an engagement tool/game was developed by City Council engagement officers in partnership with Rainbow Parent Carer Forum. The game was used to engage young from special schools across Nottingham City and Rainbow PCF, with a range of needs.

Key themes from consultations were –

Parents/carers

- Despite services in place, families find it hard to know where to go for information and support. The current picture is confusing and has led some parents to high levels of scepticism about support available. Parents tend to identify a trusted source of information and return to it (Iris magazine, Rainbow Parent Carer Forum, word of mouth from other parents)
- There is an expectation that professionals, including GPs, paediatricians, and SENCOs, should be able to tell families where to go for information. This is not always currently the case.
- Parents value having someone to speak to on the telephone, and face-to-face support if necessary. Hardcopy information such as magazines, newsletters and information packs are still preferred.

Children and young people

- Younger children, and those with higher levels of need tended to have stronger dependence on family members to access information. Young

people with higher intellectual function displayed greater independence of enquiry (channelled through family/support workers where physical needs are high).

- Young people typically having far greater use of electronic information and social media than their parents. Internet access provides even the most profoundly physically disabled young people with the opportunity for independent research - young people with highly complex needs mentioned Google and Youtube as information sources.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 Make no changes to services - re-commission services at full 2017/18 costs. Current pathways for children and young people with SEND and their families to access information, advice and support have been identified in the Whole Life Disability Review 2015 as a key area of dissatisfaction for families. Current services are funded through a high proportion of non-recurrent funding, so not all the resources for the current provision will be available from April 2018 onwards. Therefore this option is not recommended.
- 3.2 Re-commission services making further funding reductions. Options to re-model services to realise savings were considered, but could not be realised without reduction in capacity and/or quality of the services. Given the lack of capacity in current services, the increasing demand for them, the enforced funding reductions due to non-recurrent funding streams, and obligations of any future provider to staff in current services, it's unlikely that a service model with further reductions in funding would be realistic or viable. Therefore this option is not recommended.
- 3.3 Do nothing - allow contracts to end and not re-commission services. The SEND Code of Practice 2014 requires that children and young people with SEND, and their parents/carers, be provided with information through a dedicated service at arm's length from local authorities and health organisations, which is free, impartial, and confidential. If we did not commission IAS services we would still be obligated to provide them, through direct in-house provision. This would be likely to incur additional costs due to TUPE obligations from existing services, and could be considered not to be compliant with the requirement for the IASS to be impartial. Therefore this option is not recommended.

4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

- 4.1 This proposal seeks to achieve value for money through the combination of a number of existing contracts into a new, single Information, Advice and Support contract and joint re-procurement with partners. The stated maximum Nottingham City contribution of £0.162m per annum represents a £0.038m saving compared to the sum of the City Council's contributions to existing contracts. This will be achieved through changes to the service model and working practices.
- 4.2 The additional requirements on local authorities linked to the Children and Families Act SEND reforms have been recognised by central government in the provision of a number of SEND implementation grant allocations during the transition period. SEND implement grant allocations to 2016/17 have been approved for spend covering planned activities to the end of March 2018 including the City contribution to costs of Person-Centred Review (PCR) facilitation currently carried out by the key worker service jointly commissioned with the CCG.

- 4.3 A further non-ring-fenced SEND implementation allocation of £0.241m for 2017/18 was announced in December 2016. This proposal seeks approval for the use £0.121m of this allocation over a five-year period to support the inclusion of the facilitation of the PCR meetings into the new single IASS contract, subject to the CCG agreeing to continue to contribute. The £0.121m will be allocated to a reserve to be drawn down at the rate of £0.024m per annum over the maximum five-year contract period (2018/19 to 2022/23).
- 4.4 Under the proposed single IASS contract, the reliance on one-off grant funding is significantly reduced compared to previous years. However, during the contract period, consideration will need to be given as to how to make services fully sustainable from recurrent funding. The three-year contract period with an option to extend on an annual basis for a further two years is strongly supported due to the flexibility this will provide in re-evaluating service requirements.
- 4.5 The Independent Supporters element of the service will only be included in the final contract subject to DfE funding being made available to local authorities from April 2018 for this purpose.
- 4.6 The balance of the £0.162m funding requirement will be met from the recurring Council budgets that are funding the existing services, to the level of the current contracts as follows:

Table 1: Breakdown of funding sources	
£m	
0.065	IASS budget
0.020	DRS/Mediation budget
0.018	Ask Iris budget
0.014	SEND engagement budget
0.117	SUB-TOTAL from recurrent budgets
0.024	SEND implementation grant 2017/18
0.021	Independent supporters grant funding (if available)
0.162	TOTAL annual funding requirement

Kathryn Mair Stevenson, Senior Commercial Business Partner, 24/05/2017

5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND INCLUDING LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

Procurement Observations

- 5.1 There are no significant procurement implications arising from this decision. The proposal to enter into procurement with partners at Nottingham City CCG and Nottinghamshire County Council, for Information, Advice and Support Services for children and young people with SEND and their families, will be compliant with the Council's Financial Regulations and in line with EU and UK Procurement Regulations (Light Touch Regime). The procurement and contract management will be led by Nottinghamshire County Council. The process should be agreed with Nottingham City Council Procurement Team, who will engage with this process to ensure a robust and compliant process.

Julie Herrod MCIPS, Lead Procurement Officer, 19/05/2017

- 5.2 The local authority has a statutory duty to provide support services for children and young people with SEND. Given the total estimated value of the contract over its whole life (5 years maximum), the council is required to go out to tender to procure these services to comply with procurement rules.

Sarah O'Bradaigh, Senior Solicitor, 26/05/2017

6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS (FOR DECISIONS RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE (STRATEGIC REGENERATION COMMITTEE REPORTS ONLY)

- 6.1 N/A

7 SOCIAL VALUE CONSIDERATIONS

- 7.1 The service will require a local base in a central location in Nottingham City, and as such is likely to provide employment opportunities for Nottingham citizens.
- 7.2 The service will provide information and support to parents/carers of children and young people with SEND. By improving access to information on services, we improve access to appropriate support and enable some parents/carers to return to the workplace where they previously felt unable to do so.
- 7.3 The service will provide information and support to young people with SEND about training and post-education opportunities, raising aspirations and supporting young people towards making appropriate and productive contributions to society, in line with their needs and abilities.

8 REGARD TO THE NHS CONSTITUTION

- 8.1 N/A

9 EQUALITY IMPACT ASSESSMENT (EIA)

- 9.1 Has the equality impact of the proposals in this report been assessed?

Yes



Attached as Appendix 2, and due regard will be given to any implications identified in it.

10 LIST OF BACKGROUND PAPERS RELIED UPON IN WRITING THIS REPORT (NOT INCLUDING PUBLISHED DOCUMENTS OR CONFIDENTIAL OR EXEMPT INFORMATION)

- 10.1 Analysis Product – IASS Strategic Commissioning Review, 2017

11 PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT

- 11.1 Policies and Strategies

- The Children and Families Act 2014
- The SEND Code of Practice 2014
- Nottingham City Council's Children and Young People's Plan (CYPP) 2016-2020
- Children and Young People with Special Educational Needs, Nottingham City JSNA 2017

11.2 Documents

- Health & Well-being Board Commissioning Executive Group Report - Information, Advice and Support Services for children and young people with SEND and their families
- Understanding the needs of disabled children with complex needs or life-limiting conditions (Council for Disabled Children 2016)
- What works in the delivery of Independent Support? Final report from the national evaluation of the Independent Support Programme 2014 – 2016 (National Development Team for Inclusion 2016)
- Independent Support Phase 2: a summary report. London (Council for Disabled Children 2016)
- Quality standards for services providing impartial information, advice and support (National Parent Partnership Network/DfE 2015)
- Information, Advice & Support Services National Data Collection Report 2014-2015 (Information, Advice & Support Services Network 2015)