

## **Cabinet – 15 July 2020**

### **Special Educational Needs Disability Advice, Information and Support Service (SENDIASS) Contract**

**Portfolio:** Councillor Towe, Education and Skills

**Related portfolios:** Councillor Wilson, Children's Social Care

**Service:** Children's Services

**Wards:** All

**Key decision:** No

**Forward plan:** Yes

#### **1. Aim**

- 1.1 To ensure that all children with SEND needs achieve their potential and maximise opportunities with access to confidential and accurate information, advice and support services about education, health and social care matters as it relates to their individual special education needs and disability.
- 1.2 This service will support independence and self-advocacy for children, young people and parents, enabling them to take part effectively in discussions and decisions relating to their education, health and care provision.

#### **2. Summary**

- 2.1 The Council has been delivering an in-house SENDIASS for a number of years with a Council SENDIASS Officer. Following the retirement of the SENDIASS Officer in April 2020, opportunity to review and strengthen the arrangements of a more robust and independent service delivery.

A further driver to change has been observations made by Ofsted in our Written Statement for the Council to provide an easily accessible independent information and support in line with the Code Practice.

- 2.2 As such, market intelligence was carried out to determine what interest there was in tendering for a wholly separate and independent service. Following the Council Procurement Rules
- 2.3 In April 2020, a Procurement to tender for an independent SENDIASS Service was launched to identify a suitable contractor. The service is budgeted for £0.130m per annum and will have a contract for 2 years (plus option to extend 2 years).

#### **3. Recommendations**

- 3.1 That Cabinet delegate (i) authority to the Executive Director Children's Services to award a contract to the successful tender applicant to deliver the Special Educational Needs Disability Information, Advice and Support Service (SENDIASS) in consultation with the Portfolio Holder for Education and Skills from 7<sup>th</sup> September 2020 to 6<sup>th</sup> September 2022 and (ii) to delegate authority to extend the contract for up to 24 months if required.

- 3.2 That Cabinet delegate authority to the Executive Director for Children's Social Care, in consultation with the Portfolio Holder for Education and Skills, to subsequently authorise the sealing of deeds and/or signing of contracts and any other related documents for the provision of such services as well as any variations to the contractual arrangements or other related documents should this be required throughout the duration of any contracts.
- 3.3 That Cabinet delegate authority to the Executive Director for Children's Social Care, in consultation with the Portfolio Holder for Education and Skills, to authorise any variations to the SENDIASS contract, should this be required at any time during the term.

#### **4. Report detail - know**

- 4.1 The SEND Code of Practice (2015) sets an expectation that children, parents and young people should be involved in the identification and assessment of SEND and decision-making.
- 4.2 The code of practice has statutory force and requires local authorities to provide families with information and advice about matters relating to their SEND education, health and social care. In addition, local authorities must have regard to the importance of providing children and their parents and young people with the information and support necessary to participate in decision-making.
- 4.3 The purpose of the SENDIASS is to deliver these statutory requirements independently. This information and advice service must be independent from the Council and from the Walsall Clinical Commissioning Group.
- 4.4 The Service is **NOT** an advocacy or case representative service. SENDIASS cannot participate in SEND case activity as an active supporter of a child's or parent's position. The service may attend meetings, tribunals or other key sessions to support so a parent may best interpret process and information but not be a participating stand-in for the parent or communicate a position or argument on their behalf.
- 4.5 Analysis of service demand of children and young people accessing the SENDIASS indicates about 240 referrals or contacts each year. These referrals are often brief information queries for parents and young people to understand what process, standards and timescales they can expect to encounter with the SEND provisions of the Local Authority and other local partner organisations.
- 4.6 Of these referrals, there are approximately 40 cases (enquiries) being worked on at any one time. Activity by the SENDIASS worker may be to support the interpretation of information and process at tribunals, mediation sessions and EHCP reviews and planning meetings. Initially there may be an email or telephone exchange leading to a family consultation in a reception room. The agenda of the SENDIASS staff is always and only to explain what the law and statutory obligations and processes are. This is intended to then empower the parent to go forward and state their position themselves in an informed manner.

#### ***Council Corporate Plan priorities***

- 4.7 The provision of a SENDIASS Service works towards achieving the priority within the Corporate Plan 2018-2021 that 'Children have the best possible start and are safe from harm, happy, healthy and learning well.' In addition the Council aims to achieve the following outcomes; 'Education, training and skills enable people to fulfil their personal development,' and 'Children thrive emotionally, physically, mentally and feel they are achieving their potential.'

#### ***Risk management***

- 4.8 The risks to awarding this contract are low given that the Council is under a statutory duty to commission a local SENDIASS Service and public expectation is that it will be independent from the Local Authority.
- 4.9 There is a reasonable expectation that the tendering exercise will enable the Council to enter into a viable contract that will offer a good service to parents and carers and young people (16 - 25 years).

### ***Financial implications***

- 4.10 The maximum value of this contract will be capped at £0.130m to reflect the funding that is available. This funding envelope is deemed sufficient to attract suitable tenders.
- 4.11 It should be noted that all other costs such as overheads, remote working, a dedicated reception space and ICT support will be provided by the local authority from existing budgets.

### ***Legal implications***

- 4.12 This contract tender has been carried out within the Council's Procurement Rules. This is a statutory service required by the Local Authority and will be delivered to the terms of the National Minimum Standards for SENDIASS Services.
- 4.13 The contract the Council will commission is one which has been approved by Legal services who are an active part of the project team for this procurement.

### ***Procurement Implications / Social Value***

- 4.14 A market engagement exercise took place for this project in February 2020. This was an opportunity for the Council to gauge interest in this opportunity and shape the model and process it intended to use to procure this service.
- 4.15 This exercise received four responses to the engagement questionnaire which was published through the Council's e-tendering portal. These responses indicated that there was a good level of interest in the opportunity, and that the market were generally supportive of our approach. It also enabled prospective bidders to provide some feedback which commissioners were able to take into account in their designing of the new delivery model.
- 4.16 This tender was initially due to be published in April 2020, however with the uncertainty in the market caused by the COVID-19 pandemic, and subsequent lockdown, the project team took an opportunity to use a short delay to ascertain what next steps to take in order to achieve the project objectives.
- 4.17 In May 2020, the project team re-engaged with the suppliers who had initially expressed an interest in the opportunity to ascertain how the current situation had affected their ability to produce bids or their interest in bidding this service. The responses received were positive and this provided some evidence to the project team that if they proceeded with the tendering process the risks associated could be managed.
- 4.18 A competitive tendering exercise was published on the Council's e-tendering system on 22nd May 2020 with a closing date of 22nd June 2020. This was also published on the governments Contracts Finder portal in line with Public Contract Regulations 2015.

- 4.19 This procurement is being evaluated to find the ‘most economically advantageous tender’ to deliver this service, and the evaluation considers both price, and non-price (including quality and service specific considerations) criteria. A breakdown of the evaluation criteria are as follows:

Criteria	Percentage
Price	40%
Non Price	60%
<ul style="list-style-type: none"> <li>• Experience</li> <li>• Implementation Plan</li> <li>• Service Development</li> <li>• Processes and Legislation</li> <li>• Safeguarding/Equality &amp; Diversity</li> <li>• Training/Information</li> <li>• Social Value</li> </ul>	12% 12% 10% 12% 6% 3% 5%

- 4.20 The evaluation panel will consist of suitable officers from the Children services directorate as well as engaging with a group of parents of children with SEND to ensure that a range of stakeholders are being consulted with as part of the evaluation.
- 4.21 Delegated authority is sought from Cabinet to enable the Executive Director of Children’s Services to enable the successful bidder to maximise the mobilisation time prior to the service commencing. The initial timetable would not have required this delegation, however as detailed above, the project team elected to have a short delay in publishing the tender opportunity, to ensure that the considerable officer time which is required in managing a tender process and evaluation was not wasted through going to market when the market was unable to adequately and appropriately respond.
- 4.22 A fully independent SENDIASS service will foster a growing local knowledge and skill base in the local families who access. This will lead to less conflicting views between the LA and parents, reduce tribunals, costs and time for families and the Local Authority. Any specific social value benefits that are realised through this procurement will be reported through the recommendation to award report to the Executive Director of Children’s Services.

***Property implications***

- 4.23 Office accommodation, furniture, telephones and ICT support will be required for the service from the Council. The office hours will be 9-5 p.m. There are no implications on any property in terms of security out-of-hours.

***Health and wellbeing implications***

- 4.24 Ensuring access to a suitable SENDIASS Service will provide children with SEND the appropriate educational provision, provide every child with the best start in life and enable all children, young people and adults to maximise their capabilities and have control over their lives.
- 4.25 As noted in our previous Ofsted inspection, easily accessible independent information within the Local offer and support in line with the SEND Code Practice is required. This independent service will provide this and benefit children with Special Educational Needs and their parents within Walsall.

***Staffing implications***

4.26 There are no HR implications. During the tendering exercise and award period, 2x temporary agency SENDIASS staff are delivering the service.

### ***Reducing Inequalities***

4.27 This activity specifically aims to reduce further impact of inequality experienced by children and young people missing education entitlement through exclusion and no Equalities Impact Assessment was required.

### ***Consultation***

4.28 Consultation was undertaken with Procurement, Finance, Legal, Education and Commissioning colleagues and any comments have been included in this report.

4.29 A group of parents of children with SEND are participants in the tender evaluation process and will provide their reflections on the strengths and weaknesses of each bidder's application. This added influence will be taken into account in determining a successful award.

## **5. Decide**

The advantage to delegate the awarding of this contract will ensure local authority compliance and demonstrates that the Local Authority is putting sufficient resources towards the best method of meeting the needs of our SEND child and young person population.

## **6. Respond**

The highest scoring tenderer will be awarded the contract and confirmed as the new service provider as the procurement process comes to a close. All future SENDIASS delivery will continue to be subject to quality assurance oversight and a range of key performance indicators and safeguarding monitoring procedures will be reported against on a quarterly basis.

## **7. Review**

There will be quarterly monitoring meetings and reports with the contracted service provider to ensure quality and safe provision.

## **Background papers**


Tender and Specification Documents (exempt information)

### **Author**

David DeMay  
Children's Commissioner  
50359  
[David.demay@walsall.gov.uk](mailto:David.demay@walsall.gov.uk)



Sally Rowe Executive Director  
Children's Services  
15 July 2020



Councillor Towe  
Portfolio Holder – Education and Skills

15 July 2020