

Report to:	STRATEGIC COMMISSIONING BOARD
Date:	27 April 2022
Executive Member:	Councillor Leanne Feeley – Executive Member (Lifelong Learning, Equalities, Culture and Heritage)
Reporting Officer:	Tony Decrop – Assistant Director (Children’s Services)
Subject:	SENDIASS SERVICE REVIEW UPDATE
Report Summary:	<p>The report sets out the proposals for the future delivery of SENDIASS service in Tameside, following exploration of if efficiency savings can be made and how other GM Local Authorities deliver the SENDIASS service to compare delivery/ costs and outcomes against the in-house Tameside.</p> <p>The report sets out the process undertaken which explored if co commissioning was viable with other LA and to ensure this does not compromise quality</p> <p>Consideration was also taken regarding efficiencies and further savings</p>
Recommendations:	<p>That Strategic Commissioning Board be recommended to agree:</p> <ul style="list-style-type: none"> (i) That the commissioning out of the SENDIASS to the Together Trust by way of a modification of Stockport Council’s existing contract with the Together Trust for one year and thereafter for Tameside and Stockport Council’s to procure a joint recommissioning from 1 April 2023. (ii) That Stockport Council will be the lead authority in relation to the contract (iii) That the necessary steps be undertaken in relation to the transfer of affected staff.
Corporate Plan:	The schemes set out in this report supports the objectives of the Corporate Plan
Policy Implications:	The proposal aligns to the Councils key policies in supporting the most vulnerable families in our community
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	<p>At present the SENDIASS service is delivered in-house. The cost of the commissioned service will be £67.5K per annum and will lead to efficiencies. If the service transfers 1 July 2022 there will be a part year efficiency for 2022/23</p> <p>If TUPE goes ahead a pension’s admissions agreement will need to be pursued.</p>
Legal Implications: (Authorised by the Borough Solicitor)	<p>The council has a statutory duty under the Children and families Act 2014 to ensure that children and young people with Special Educational Needs and Disabilities (SEND) and their parents/guardians to have access to Impartial Information, Advice and Support (IAS) services.</p> <p>The project officers have been tasked with considering alternative options for the delivery of this service in order to make savings. The outcome of those considerations are detailed in this report.</p>

It is understood that there will be no change to how the service will be delivered, merely who is delivering it, and therefore there has been no consultation with service users.

The preferred option is to join Stockport council's existing contract with the Together Trust for the Together Trust to provide the service for Tameside Council. Advice must be followed from STaR procurement to ensure that this is undertaken compliantly.

It is also understood that Stockport Council will be the lead authority in relation to the contract with the Together Trust. Such an arrangement would usually require indemnities to be provided by both council's to protect the other but the author of the report has indicated that Stockport Council isn't seeking such undertakings nor a partnership agreement or similar. It would be advisable for this position to be monitored as the contract is put in place.

As the Together Trust will be providing a statutory service on behalf of the council which is critical element of the council's delivery of SEND provisions robust monitoring and managing will be required. Failure to delivery an adequate SENDIAS could not only leave the council vulnerable to criticism and legal challenge but also have an impact on children and young people.

Also as set out in the report The Transfer of Undertakings Protection of Employment Rights 2006, as amended (TUPE) will apply to relevant staff currently delivering the service. Advice should be sought from HR in relation to managing the TUPE transfer and engagement with staff generally.

Risk Management:

The Council will work closely with the provider to manage and minimise any risk of provider failure consistent with the providers contingency plan

Background Information:

The background papers relating to this report can be inspected by contacting Lorraine Hopkins, Head of Early Help and Early Years



Telephone: 0161 342 5197



e-mail: lorraine.hopkins@tameside.gov.uk

1. INTRODUCTION

- 1.1 Special Educational Needs & Disability Information Support and Advice Service (SENDIASS) is a statutory service that provides information, advice and support to children and young people with Special Educational Needs (SEN), and those with Disabilities, and their parents/carers (who have children/young people aged 0-25 yrs.).
- 1.2 The statutory requirements is set out by the Department for Education in the minimum standards (appendix 3) for SENDIASS, as set out in the Child and Family Act 2014 and the SEND code of Practice chapter 2.
- 1.3 Whilst SENDIASS is an impartial service, the staff are employed by the Local Authority and receive regular supervision and support from an Early Help Team Manager. This could be deemed as a risk in ensuring complete impartiality, particularly in cases involving a dispute between the family and LA.
- 1.4 SENDIASS aims to encourage and develop partnership between children, young people, parents/carers, schools, the local authority and all other partners who are involved in working to identify, assess and meet the special educational needs of children and young people.

They offer the following

- Confidential and impartial information, advice and support to children, young people and their parents/carers on Education matters and Health and Social Care matters in relation to education.
- Information, advice and support on subjects including local policy and practice, personalisation, personal budgets, preparation for adulthood, the law on SEN and Disability, Health and Social Care.
- Information, advice and support throughout the Education, Health and Care Plan (EHCP) assessment process and review process.
- Information, advice and support about SEN Support in settings, schools and further education.
- Individual casework.
- Support in preparing for and attending meetings.
- Help in filling in forms and writing letters/reports.
- Support in resolving disagreements, including Disagreement Resolution, Mediation and Tribunals.
- Signposting to other local or national sources of advice, information and support.
- Links to local parent support groups and forums.
- Information about [Tameside's Local Offer](#)

2. BACKGROUND

- 2.1 Options have been explored to identify if any efficiency saving in regard to the delivery of the service can be made. This included benchmarking across North West & GM, to look at how other LA's deliver the service and compare delivery/ costs and outcomes against the in-house model we have, as set out in the points below
- 2.2 The North West Information Advice Support Programme (IASP) regional conference in November 2021 reported that over 60% of SENDIASS services were commissioned out to ensure impartiality and independence was maintained out of the LA
- 2.3 To explore if collaborations with other STAR Local Authorities is a viable option that may offer savings, ensuring this does not compromise quality of delivery and incur costs in other parts of the system for the LA.

- 2.4 Work with STAR and commissioning colleagues was undertaken to explore how neighbouring LA's deliver their SENDIASS service.
- 2.5 Models of delivery across GM was variable within authorities aligned to STAR - Oldham and Stockport currently commissioning the service externally with good outcomes.
- 2.6 Identification of savings where appropriate were explored, building on discussions with other LA's, to see if this would be a viable option for Tameside.
- 2.7 Discussions with Tameside's finance and HR services were maintained throughout the process to assess and manage any identified risks against the options explored.

3. PROCUREMENT ACTIVITY AND ADVICE

- 3.1 As part of the process Soft Market Testing (**appendix 2**) was undertaken, at a 10% reduction of existing budget allocation, to allow interested organisations with relevant experience to outline their views and provide information without committing themselves or the council to any potential future contract.

- 3.2 Brief information was provided, to include on the chest using the following statement.

The Council is looking to award a contract commencing 1st July 2022. If a decision is made to tender this service the maximum annual budget is £67,500. It is further envisaged that the initial contract would be for a period of 2 years with an option to extend by 2 years. During the Soft Market Test we would like to gauge the level of interest.

Only one response of interest was received and from the Together Trust who deliver the service for Stockport.

- 3.3 An options appraisal (**appendix 1**) was completed by STAR. This outlined the procurement routes available for the various requirements in order to deliver the councils SENDIASS service effectively and in a timely manner. It also provided a recommendation from STAR.

- 3.4 The following four options were considered.

- Open Procurement
- Deliver In-House Service
- Modify Stockport Agreement with Together Trust
- Direct award following soft market test. This would be procured via an Exemption – *'The ASO can demonstrate that there is no genuine completion can be obtained of the purchase of particular Supplies, Services or execution of Works'*

- 3.5 Taking into consideration the identified risks and benefits of each option the recommendation from STAR is as follows:

- 3.6 Working with STAR, commissioners and finance it was identified through soft market testing that a saving could be secured by working with Stockport and modify their agreement with Together Trust to include Tameside Council for one year with the ambition to procure a joint service from 1st April 2023.

- 3.7 Having undertaken an analysis on the variety of options as detailed above, STAR procurement recommend that the preferred option is to modify the Stockport Council agreement with Together Trust to include Tameside Council for one year with the ambition to procure a joint service from 1st April 2023.

- 3.8 The benefit of this is that this approach allows Tameside to compliantly contract with the provider who expressed an interest in this opportunity and also align this contract with

strategic objectives between the education departments of the two councils.

- 3.9 Additional benefits to this option of joint commissioning with Stockport to the Together Trust are the volunteer opportunities provided through an established recruitment and training offer, additional on-line digital platforms, the increase in the uptake of under-represented groups by the provision of a range of both digital and paper leaflets and information in a variety of languages. This also includes assistive technology for example; text to talk and picture board.
- 3.10 Stockport will be the lead commissioner for this contract which will be jointly monitored with Tameside through quarterly reports against the agreed performance measures. Stockport commissioners have provided data and assurance that they are satisfied with the performance of the current provider and will be looking to extend the existing contract when appropriate as a result.
- 3.11 STAR procurement confirmed that any STAR authority as outlined in the T&C's for all contracts, would allow joining at a different dates if agreed locally at no indemnity to the joining LA.
- 3.12 A PID has been completed and been submitted for authorisation

4. WHERE ARE WE NOW?

4.1 Staff

Post	Grade	Headcount	FTE
SENDIASS Manager	H (SCP 29-31)	1	1
SENDIASS Support Worker	E	1	1
SENDIASS Support Worker (grant funded)*	E	1	0.6

****The post holder left their employment on 14 February 2022. Grant funding ceases 31 March 2022 and post will be disestablished***

5. NEXT STEPS

- 5.1 To receive agreement to the proposal to commission jointly with Stockport which will achieve added value as outlined in section 3 and efficiencies.
- 5.2 To meet with both the core funded employees to explain the following key points:
- 5.3 Should this go ahead it would mean that the service and jobs are disestablished and individuals in them transfer to the new provider under TUPE legislation (transfer of undertaking)
- 5.4 TUPE is a matter of fact and where a service transfer occurs post holders covered by the transfer move to the new provider (subject to a TUPE consultation process)
- 5.5 However, in some situations and where possible TMBC will also look if there is any alternative employment for an employee to provide an option of alternative employment by agreement with the employees.
- 5.6 Commissioning and STAR to continue to work with Stockport MBC and the Together Trust

to agree the transfer of Tameside SENDIASS. This will be complete by 30 June 2022 at the latest and therefore achieve a part year saving for 2022/23. A PID has been completed as pt 3.1.2

- 5.7 This agreement would be for a covering period until the 31 March 2023, so aligned with the Stockport contract and then reviewed alongside Stockport with a view from Stockport to recommission.
- 5.8 Further governance will be sort should we require to extend and this will be dependant of the successful performance and monitoring of the provider alongside Stockport MBC.
- 5.9 Stockport MBC Commissioners reported that the initial phase of the contract will end 31 March 2023, but it can be extended for up to another three years to end of March 2026 subject to performance which STAR have advised is agreeable
- 5.10 Officers are assured that the Together Trust are fully compliant and Stockport have raised no concerns within the contractual performance targets and if monitoring reports continue in this way, Stockport MBC have informed they would have no good reason to go out to procure again in 2023. STAR have also verified this
- 5.11 To meet with Together Trust to agree transition plan.

6. RECOMMENDATIONS

- 6.1 As set out on the front of this report