

Decision maker:	Interim Director for children's wellbeing
Decision date:	21 September 2017
Title of report:	SENDIASS Service Review Project
Report by:	Commissioning officer

Classification

Open

Decision type

Non-key

Wards affected

All wards

Purpose and summary

To approve arrangements for the interim support and supervision of the Herefordshire Special Educational Needs and Disabilities Information, Advice and Support Service (SENDIASS) staff team and to arrange for an external review of the SENDIASS service with an options appraisal and recommendations for service structure and delivery from 2018.

While the service is operated within the council, with its staff being council employees, it is operated at arm's length in order to maintain a degree of independence, particularly to be seen as independent from the council's additional needs service for children with special educational needs. This means that the service has been self-managed for several years, while national arrangements have changed and are expected to continue to change. Following the retirement of the previous service manager, there is an opportunity to engage external technical advice and support to review the service and future expected demands, in order to plan for a sustainable and effective service in the long term.

Worcestershire County Council also operates a SENDIASS service, which has undergone some change and improvement in recent years that allows opportunity for peer support and challenge and potential to apply learning in Herefordshire.

Recommendation(s)

That:

- (a) Herefordshire Council to enter into an agreement with Worcestershire County Council for a period of six months from 1 September 2017 to 31 March 2018, at a cost of £20K, for the latter to share staff (under the provisions of Section 113 of the Local Government Act 1972) to provide technical management oversight and a review of the Herefordshire SENDIASS;
- (b) By virtue of this decision report an exemption to paragraphs 4.6.11 of the council's contract procedure rules shall be granted to enable the direct award for the reasons as set out in paragraph 16 below and referred to throughout this report

Alternative options

1. To immediately recruit to a permanent full time management post to oversee the service in Herefordshire. This option is not recommended. The commissioning of Worcestershire County Council to provide support to the SENDIASS service in Herefordshire through the sharing of a manager post to March 2018 will give Herefordshire the opportunity to benefit from the extensive knowledge the post holder brings concerning SENDIASS services, their management and best practice within the service. Once a review has been carried out by the post holder recommendations can then be made regarding staffing requirements.

Key considerations

2. The SEN Code of Practice (2015) states that "local authorities must arrange for children with SEN or disabilities for whom they are responsible, and their parents, and young people with SEN or disabilities for whom they are responsible, to be provided with information and advice about matters relating to their SEN or disabilities, including matters relating to health and social care". Furthermore, "information, advice and support services should be impartial, confidential and accessible and should have the capacity to handle face-to-face, telephone and electronic enquiries". Locally, this function is provided through the Herefordshire SENDIASS.
3. The service offers free advice and one-to-one support about education, social care and health entitlements to:

 - Help families understand what they should expect from statutory services and other agencies, especially at key transition stages, for example, moving from primary education to secondary education or college
 - Provide one-to-one support and free legal advice during Education, Health and Care Plan (EHC) assessments
 - Support families at meetings to make sure their views or those of their children are fully heard and understood
 - Help families complete forms, write letters and support them when dealing with organisations, agencies and professionals
 - Offer advice and guidance through education and training, including help with school admissions and exclusions
 - Prepare families and children for appeals and tribunals
 - Signpost to other service providers and resources that may be of help to families and children

4. In addition to the vacant service manager post, the service currently employs three members of staff:
 - 1 x SENDIASS advisor (HC05) 29.6 hours (WTE 0.8)
 - 1 x SENDIASS and parent partnership advisor (HC05) 37 hours term time only (WTE 0.83) - contract expires on 31 March 2018 and is funded by the Children's Disability Centre (CDC)
 - 1 x SENDIASS independent advisor (HC05) 37 hours (WTE 1.0) – contract expires on 31 March 2018 and is funded by the CDC
5. It is intended to contract with Worcestershire County Council to:
 - Provide interim management oversight of the Herefordshire SENDIASS for a period of six months, including technical staff supervision and oversight of day to day activities such as data submission requirements. Line management responsibility will stay with Herefordshire Council
 - Support the SENDIASS staff currently funded through the CDC to meet the performance requirements of those posts, which includes a business plan to be completed by December 2017
 - Undertake a peer review of the Herefordshire SENDIASS service and make recommendations for its future sustainability and development
6. Worcestershire County Council has offered the support of its SENDIASS manager to carry out a review of the Herefordshire service and provide management oversight for the specified contract period. This will include up to two days per week located in the Hereford office.
7. The scope of the review has been informed by the existing staff team, and will include:
 - Previous and anticipated service demands and activity levels with an options appraisal and recommendations for service structure and delivery from 2018 that is compliant with the SEN Code of Practice
 - Compliance with the equality duty
 - The service being able to evidence clearly its impartiality in line with the SEND Code of Practice 2015. This will include a review/update of the SENDIASS impartiality policy
 - A review of staff training with particular attention to staff being legally qualified to provide impartial, confidential and relevant information and advice
 - The service being able to demonstrate that it does not 'speak for parents or young people' but offers support and information to enable them to make informed decisions and to act on their own accord and speak for themselves
 - The service being able to demonstrate the involvement of service users and their families in the design of the service and ongoing monitoring of the service, including its standards of impartiality
 - A review of current service and practice to be informed by benchmarking data from our statistical neighbours and also national benchmarking data
 - The development of a performance management framework so that service performance can be reported and continuously improved

Community impact

8. The SEND Code of Practice 2015 states that staff providing information, advice and support should work in partnership with children, young people, parents, local councils,

Clinical Commissioning Group's (CCGs) and other relevant partners. They should also work with their local Parent Carer Forum and other representative user groups (such as Youth Forums) to ensure the views and experiences of children, young people and parents inform policy and practice. The proposed review of the current service will provide assurance that these requirements are being met.

Equality duty

9. The project to review the current SENDIASS service will ensure the service pays due regard to our public sector equality duty, as set out below:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it
10. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making, in the design of policies and delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation.

Resource implications

11. The cost of the project for the period 1 September 2017 to 31 March 2018 will be up to £20k, which will be funded from the vacant post of Herefordshire SENDIASS manager.
12. The Worcestershire SENDIASS manager will continue to be employed by Worcestershire County Council, which will invoice Herefordshire Council for contracted costs.

Legal implications

13. Section 32 of the Children's and Families Act 2014 sets out the council's duty to provide advice and information about matters relating to special educational needs to the relevant children, young people or their parents.
14. Section 2 of The Special Educational Needs and Disability Code of Practice (January 2015) provide further details about the information, advice and support services that the council must provide under the Act.
15. The council meets this statutory duty with the services provided by Herefordshire SENDIASS.
16. The proposals set out in this report to share staff from Worcestershire County Council are enabled by Section 113 of the Local Government Act 1972. This allows a local authority

to enter into an agreement with another authority to place its officers at the disposal of the other authority. Staff who are made available under such an arrangement are able to take binding decision on behalf of the body at whose disposal they are placed, although they remain an employee of their original authority for employment and superannuation purposes.

17.

Risk management

18. The service is a statutory service that has to be provided in some form by the local council. If this service is not made sustainable and does not continue, the council will be in breach of its legal duty to provide it. This project will mitigate against the risk of the service not being sustainable in the long term by reviewing the current service and providing options for the future commissioning of the service; this is due to be completed by the 31 March 2018.

19. **Consultees**

20. None.

Appendices

21. None

Background papers

22. None