

Record of officer decision

Decision title:	Management of Herefordshire Special Educational Needs and Disabilities Information and Advice Support Service (SENDIASS)
Date of decision:	18 March 2020
Decision maker:	Chief Executive
Authority for delegated decision:	<p>Part 3 of the Constitution (19th May 2017), (Section 2- Local Choice Functions) provides the authority for the chief executive to take Local Choice Functional Decisions (Section 3.2.2). These are 'functions which in law may be, but need not be the responsibility of the Cabinet and it is for full Council to decide by whom they shall be exercised'.</p> <p>The Local Choice Functions (row 16) makes provision for 'the making of agreements with other local authorities for placing staff at the disposal of those other authorities', and this decision has been delegated to the chief executive.</p>
Ward:	All wards
Consultation:	None
Decision made:	<p>Herefordshire Council to form a collaborative agreement with Worcestershire County Council under Regulation 12(7) of The Public Contracts Regulations 2015, based on a 'co-operative' concept, for the delivery of the Special Educational Needs and Disabilities Information Advice and Support Service (SENDIAS service) across Herefordshire and Worcestershire¹. The participating authorities will co-operate to perform public services they provide, meeting common objectives.</p> <p>Section 113 of the Local Government Act 1972 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.</p> <p>This enables the Worcestershire SENDIAS manager to manage SENDIAS services across Herefordshire and Worcestershire. The total staffing cost to Herefordshire Council for delivering the service including the management cost (£25,000) is £73,731 per annum.</p> <p>For Herefordshire SENDIAS staff this will stabilise management of the service and will enable greater staff capacity due to alignment of services across the two</p>

¹ Cooperation does not need to be a contract or joint venture. It should be based on a cooperative concept and not require all participating authorities to assume the performance of main contractual obligations, but to commit to contribute to the cooperative performance of the public service in question.

	<p>counties, whilst retaining a local presence.</p> <p>The decision will require both authorities to commit to the joint performance management of the SENDIAS service.</p> <p>A Memorandum of Understanding (MoU) will be in place between the two councils to set out each authority's responsibilities, on the understanding that there will be a three year agreement, to be reviewed after year one. This will commence on 1st April 2020.</p>
Reasons for decision:	<p>Local authorities are statutorily responsible for providing children, young people and parents with an impartial information, advice and support service on Special Educational Needs and Disabilities (SEND) in their local area. This responsibility dates back to the early 1990s (initially as Parent Partnership Services), and has been reinforced and extended by the Children and Families Act 2014.</p> <p>Herefordshire and Worcestershire County councils agreed to share management resource for SENDIASS in both counties, and this arrangement has been in place since September 2017. The purpose of the arrangement was to provide interim technical and professional management oversight of the Herefordshire service following the retirement of the previous post-holder. The experienced Service Manager is employed by Worcestershire County Council (WCC).</p> <p>A review of the service has been undertaken during the period to help inform long-term commissioning intentions. This process identified a number of limitations of current service provision which can be addressed through closer joint working arrangements with Worcestershire. These findings are set out below:</p> <p>It is anticipated that the joining together of the two services, which will be overseen by a joint SENDIASS Commissioning Board, will achieve economies of scale. By combining resources, more can be achieved for both authorities with careful planning of existing resources and sharing across the two teams, for example; a single website and social media interface, and joint marketing and staffing.</p> <p>The development of a collaborative approach in delivering the service will also be beneficial to both service areas for the following reasons:</p> <ul style="list-style-type: none"> • The two services are able to support each other, for example; staffing the helpline if one office is closed due to staff absences • Best practice will be spread across the two counties through increased opportunities for peer support and shared learning meaning that the statutory minimum standards will be met and shared excellence will be achieved • Training is provided across the teams to reduce costs and improve shared knowledge • Enables greater flexibility to develop and improve the two services to meet local demand and statutory duties

	<ul style="list-style-type: none"> • Greater demonstration of impartiality, as the service will provide information, advice and support (IAS) across two different counties and therefore demonstrate an 'arms-length' approach • Expertise can be more effectively targeted to the needs of service users <p>It is therefore expected that a joint service will enable a more efficient and strengthened SENDIASS for both parties.</p> <p>The SENDIASS manager will also be able to complete the following tasks, should the decision be granted to continue to share the management resource across the two counties:</p> <ul style="list-style-type: none"> • Devise cross-county economies of scale through staff skills auditing, identification of shared opportunities and standardising practice to meet minimum standards • Explore additional ways to extend reach of service and raise awareness in the two areas through shared events planning • Raise the profile of joined-up service working through attendance at national SEND events • Identify opportunities for the larger service to contribute to national strategies and initiatives <p>From a customer perspective, the only visible change will be a joint Herefordshire and Worcestershire Website and social media presence. It is anticipated that this change in arrangements will enhance the service. Proposed changes have been discussed with Parent Carer Voice representatives from both Herefordshire and Worcestershire and no concerns were raised.</p> <p>A MoU will be in place that clearly sets out the key objectives of the collaboration, the principles of collaboration, the governance structures the parties will put in place, and the respective roles and responsibilities the parties will have during the collaboration. The MOU will clarify accountability for the service, ensure GDPR compliance and oversee resource and funding contributions of each local authority to the service.</p>
<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p>Although risks to the delivery of the service will be managed jointly, each authority will retain accountability for the statutory delivery of the SENDIAS service in their area.</p> <p>The cost of service delivery in Herefordshire is not affected by this arrangement and is therefore within the available service budget.</p> <p>The SENDIASS Commissioning Board will ensure that service risks are effectively managed, and will work collaboratively to ensure quality of delivery whilst ensuring provision for each county is in line with set standards and retains its own local feel.</p> <p>There are no health and safety implications, or staffing</p>

	<p>implications.</p> <p>The proposals support the council's equality duties, in particular support for disabled children.</p> <p>The commissioners' service review identified that there is a risk that the service doesn't have the capacity in its current format to sufficiently meet its responsibilities in terms of the team's ability to meet the SENDIASS statutory Minimum Standards, if this proposal were not to be adopted.</p>
Details of any alternative options considered and rejected:	<p>The only alternative short-term option would be to recruit a temporary manager for the Herefordshire service. There are a number of associated risks including failure to recruit, potential increase in cost due to the short-term nature of this option and de-stabilisation of the service.</p> <p>Keeping the service 'in-house' by employing a dedicated service manager is not a recommended option as it does not deliver key service improvements that would be secured through working collaboratively with a neighbouring authority to pool resources and share expertise.</p> <p>Additional resource would be necessary to meet all of the statutory minimum standards, which the recommended option would do, for example:</p> <ul style="list-style-type: none"> • The SENDIASS provides an all year-round flexible service, which is open during normal office hours and includes a direct helpline, 24-hour answer machine and call back service and signposting service, including linking to the national SEND helpline. • The SENDIASS provides information, advice and support before, during and following Tribunal in a range of different ways, dependent on the needs of the parent or young person and the capacity of the service. This includes presenting some or all of the case during the hearing if the parent or young person is unable to do so. • The SENDIASS offers training to local professionals, parents, young people and children to increase knowledge of SEND law, guidance, local policy, issues and participation.
Details of any declarations of interest made:	N/A

Signed

Date: 18 March 2020