

Brighton & Hove City Council

Children, Young People and Skills Committee

Agenda Item 73

Subject: Special Education Needs and Disabilities' Information, Advice & Support Service recommissioning

Date of meeting: 7 March 2022

Report of: Executive Director Families Children & Learning

Contact Officer: Name: Olanrewaju Oluwafemi
Tel: 07525 387 862
Email: olanrewaju.oluwafemi@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 To agree the joint recommissioning and procurement of existing Information, Advice and Support Service with East Sussex County Council in collaboration with Brighton & Hove and East Sussex Clinical Commissioning Groups.
- 1.2 The Special Educational Needs and Disability (SEND) Code of Practice 0 – 25 (2015), sets out an expectation that children, parents, and young people should be involved in the identification, assessment and decision making about the provision to meet special educational needs and disabilities.
- 1.3 The SEN and disability advice service is commissioned in accordance with the SEND Code of Practice and the Minimum Standards for SEND Information, Advice and Support Services to secure the provision of impartial, confidential, and relevant information, advice, and support to:
 - Parents and carers of children and young people between 0 and 25 years who have, or may have, SEN or a disability.
 - Children and young people who have, or may have, SEN or a disability

2. Recommendations

- 2.1 That the Committee grants delegated authority to the Executive Director of Families, Children and Learning to jointly procure the Information, Advice and Support Service Contract with East Sussex County Council in collaboration with Brighton and Hove and East Sussex Clinical Commissioning Groups and award the contract for an initial term of three years with the option to extend the contract for a further period(s) of up to two years, subject to review and satisfactory performance.

3. Context and background information

- 3.1 The Information, Advice and Support Service supports parents, their children and young people and ensures Local Authorities provide information and advice on matters relating to SEN and disability including matters relating to health and social care as per SEND Code of Practice (2015).
- 3.2 The service works with all parents, children, and young people up to 25 with SEN or disabilities to provide impartial, confidential, and relevant information, advice, and support. The scope of this information, advice and support covers initial concerns or identification of potential SEN or disabilities, through to ongoing support and provision, which may include an Education, Health and Care (EHC) plan.
- 3.3 The service works with key partners in Brighton & Hove to support children, young people, and families to improve the outcomes for children and young people.
- 3.4 The service also helps to ensure children, young people and their families have the understanding and knowledge needed to make good decisions and participate in decision making and help families to help themselves and build resilience.
- 3.5 The service supports the resolution of disagreements between the Local Authority, Clinical Commissioning Group and families and listens carefully to the views and experiences of children and young people and parents and carers to improve practice within the resources available.
- 3.6 The service also offers help to parents, carers, children and young people to promote independence and self-advocacy, enables them to work through things themselves, addressing their own needs and concerns and being their own voice.
- 3.7 Officers are seeking authority to recommission and reprocur the Information, Advice and Support Service in a joint procurement with East Sussex County Council to benefit from shared knowledge and economies of scale. Brighton & Hove City Council has a separate contract for this service and its provision is to be funded by Brighton & Hove City Council, with a contribution from Brighton and Hove Clinical Commissioning Group.
- 3.8 Officers are seeking authority to award a 3 + 2-year contract with Brighton & Hove Clinical Commissioning Group.

4. Analysis and consideration of alternative options

- 4.1 An option of referring children, young people and their families to the internet or Council website for information, advice and support was considered. This would mean children, young people and their families would have to wade through massive amount of information on the internet or go through tedious

searches on the internet or the Council's website to access relevant information, advice and support.

- 4.2 The option of referring children, young people and their families to the internet or Council website was not recommended because it was deemed inadequate as the outcomes will be less fulfilling, satisfying, and impersonal. Also, the option will not be bespoke, or tailor made to meet the specific information, advice and support needs of children, young people and their families.

5. Community engagement and consultation

- 5.1 A joint recommissioning and procurement process with neighboring East Sussex County Council (ESCC) was considered and is being pursued to benefit from economies of scale and to align contract timelines.
- 5.2 Officers have engaged with stakeholders and the market. There are some changes in Service demands and complexities within the current contract that have been identified through engagement activities with stakeholders. The recommissioning and procurement of this service will help to address such issues. If we delay, there is a risk that the market in Brighton & Hove will not develop to meet the changing needs of the SEND community.

6. Conclusion

- 6.1 The Information, Advice and Support Service supports parents, their children and young people and ensures Local Authorities provide information and advice on matters relating to SEN and disability including matters relating to health and social care as per SEND Code of Practice (2015).
- 6.2 The service works with all parents, children, and young people up to 25 with SEN or disabilities to provide impartial, confidential, and relevant information, advice, and support. The scope of this information, advice and support covers initial concerns or identification of potential SEN or disabilities, through to ongoing support and provision, which may include an Education, Health and Care (EHC) plan.
- 6.3 The recommended course of action is for the Committee to agree to grant delegated authority to the Executive Director of Children, Families and Learning to jointly recommission, procure and award the Information, Advice and Support Services Contract for an initial term of three years with the option to extend for a further period of up to two years, subject to review and satisfactory performance.

7. Financial implications

- 7.1 The Information, Advice and Support Service is funded by Brighton & Hove City Council with Brighton & Hove Clinical Commissioning Group contributing and the budget is agreed on an annual basis.

- 7.2 The annual provisional budget from April 2022 to March 2023 is £120,000 with Brighton & Hove City Council contributing £94,000 and Brighton & Hove Clinical Commissioning Group contributing £26,000.
- 7.3 The estimated budget for the next 5 years is £600,000 excluding inflation and VAT, based on the 2022/23 provisional budget.

Name of finance officer consulted: Steve Williams Date consulted: 03/02/22

8. Legal implications

The Council must comply with the Public Contracts Regulations 2015 in relation to the procurement and award of contracts above the relevant financial threshold. The services outlined in this report fall within Schedule 3 of the Public Contracts Regulations 2015 and exceed the relevant financial threshold for light touch regime services (£663,540 inclusive of VAT). The procurement process for the light touch regime is not unduly prescribed but must accord with the fundamental principles of transparency and equal treatment of economic operators.

Name of lawyer consulted: Sara Zadeh Date consulted: 07/02/22

9. Equalities implications

- 9.1 Analysis and review of services over a few years has identified the need to reach out and engage with hard-to-reach children, young people, parents / carers, and their families in the city, involving them in the whole commissioning process, identifying their specific information, advice and support needs so that services can be tailored towards meeting those needs.
- 9.2 The Information, Advice and Support Service recommissioning process has involved identified hard to reach groups in the city and the services to be procured will reduce social isolation and promote better access to services among this cohort and will also ensure that parents, carers, and families get the information, advice and support they need to live fulfilled lives in the city.
- 9.3 Over time, this will enhance the overall health and wellbeing of children, young people and their families empowering them to live independent lives in the community which will reduce need for long term placement and help to reduce overall care costs and complexities involved.

10. Sustainability implications

- 10.1 Brighton & Hove City Council is committed to taking responsibility for its own impact on the environment. Sustainability considerations and benefits will form part of the evaluation of bids for the contract in line with the Council's Sustainable Procurement Policy and Climate Change Strategy.

- 10.2 Providers will need to demonstrate how they will achieve best practice, value for money, and innovations. This will include minimising non – recyclable waste and promoting recycling.
- 10.3 This service is unlikely to have any significant impact on the environment.
- 10.4 Commissioners will focus a 10% weighting within the quality questions for sustainability.

11. Social Value and procurement implications

- 11.1 Social value benefits will form part of the evaluation of bids for the contract in line with the Council's Social Value Framework. Bidders will be asked to provide evidence of how the service will improve the social wellbeing of the local area in the city.
- 11.2 At all stages of the commissioning process Brighton and Hove City Council will work in line with the Public Services (Social Value) Act 2012 and consider the economic, social, and environmental improvements that the local area can benefit from through the Information, Advice and Support Service recommissioning. Providers will need to demonstrate how they will achieve and exceed the requirements specified by Brighton and Hove City Council. This will include promoting independence and choice, supporting the local economy, developing community partnerships and initiatives.
- 11.3 Brighton & Hove City Council evaluates social value differently to East Sussex County Council. East Sussex County Council is duty bound to score on its Social Value Charter whereas Brighton & Hove City Council have a 10% allocation in accordance with its Social Value Framework policy.

Due to the differences in the way the two authorities assess social value, the procurement will need to be structured as two separate lots, with bids receiving separate social value scores for each local authority. This may impact on the potential economies of scale that could be realized via the joint procurement, however, after deliberation we consider this to be the only available option to achieve adherence to both social value policies.

- 11.4 Commissioners will seek social value by ensuring:
- Stimulation of better, more innovative services
 - Current users of the service and stakeholders, including children, young people, parents, carers, and families, are consulted to clearly define needs and design methods to meet these needs in a sustainable manner.
 - Improved community relations
 - Delivery of better services

