

Delegated Officer Report

Decision Maker:	Gerard Jones, Managing Director Children and Young People
Date of Decision:	25 August 2022
Subject:	SEND Information, Advice and Support Service- approval to extend existing contract within the provision of the original contract
Report Lead:	Richard Lynch, Director of Education, Skills and Early Years
Report Author:	Andrea Weir, Senior Commissioning and Partnerships Manager
Ward (s):	All

Reason for the decision:	<p>Approval is sought to extend the existing contract to deliver Special Educational Needs and Disabilities Information, Advice and Support Service (SEND IASS) held by Oldham POINT. It is proposed this would cover an additional period of twelve months up until 31 March 2024.</p> <p>The current SEND IASS contract was awarded on a three year plus one year basis and therefore the option to extend is within the gift of the original award.</p> <p>SEND IASS is a statutory service which in Oldham is funded 50% by the Council and 50% by the CCG (now known as the Integrated Care Partnership – ICP). This was a joint commissioning exercise between the LA and the then CCG. The overall total annual budget is £58,800</p> <p>A fair and transparent procurement process was undertaken via The Chest to secure a provider</p>
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to deliver this contract during 2019. The contract was awarded from 1 April 2020 for a period of three years with the option to extend for a further year up until 31 March 2024.

Approval is now sought to exercise the option to extend the existing arrangement with POINT to deliver SEND IASS up until 31 March 2024.

This will enable the Council and ICP to consider and implement any changes arising from the current consultation SEND Green Paper published in March 2022. Deadline for responses on suggested system wide changes is 22 July 2022.

Summary:

The Children and Families Act 2014 places duties on local authorities to make arrangements for children and young people with SEN or disabilities whom they are responsible for, and their parents to be provided with information and advice about matters relating to their SEN or disabilities, including matters relating to health and social care.

The SEND Green Paper Right support, right place, right time was published in March 2022. The Government are consulting and seeking views on a range of suggested system wide changes from key stakeholders and partners including:

- children and young people
- parents and carers
- those who advocate and work with SEND and Alternative Provision (AP)
- local and national system leaders

The overall aim is to improve outcomes for children, young people and families. The deadline for the consultation is 22 July 2022.

Dependent on the outcome of the consultation a White Paper will be developed for approval by Parliament. The date for this is not yet known. It is likely any changes recommended within the White Paper will have an impact on the following:

- the revision of current statutory responsibilities

- revised funding arrangements
- the delivery of support for children, young people and families
- the provision and possible extension of mediation and support services
- service specification and delivery models for a number of provisions including SEND IASS

If approval is given to extend the SEND IASS contract up until 31 March 2024 we will then be in a more informed position with results of the consultation, funding and future plans known.

This option avoids the risk of having to re-commission a service which may not be fit for purpose depending on the outcome of the consultation thus ensuring there is no gap in statutory service delivery for some of our most vulnerable at-risk children, young people and families.

What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s):

Option 1: To approve the twelve-month extension for the SEND IASS contract delivered by POINT from 1st April 2023 until 31st March 2024 as outlined in the original award.

Option 2: To commission and award a contract to be operational from 1 April 2023. This option is not recommended given the current 'live' consultation in relation to the SEND Green Paper.

Consultation: including any conflict of interest declared by relevant Cabinet Member consulted.

None

Recommendation(s):

Option 1: To approve a twelve-month extension for the SEND IASS contract delivered by POINT from 1st April 2023 until 31st March 2024 as outlined in the original award.

Implications:

What are the financial implications?

This report seeks to approve a twelve-month extension for the SEND IASS contract delivered by POINT for the period 1st April 2023 until 31st March 2024.

The costs associated with this extension are

£58,800. The cost is split 50/50 with the Council and Integrated Care Partnership – ICP.

As part of the budget setting process there is budget available on R44400 35750 with a corresponding income line associated with the ICP contribution for £29,400 on R91003 35750.

Vicki Hayes – Senior Accountant

*What are the **legal** implications?*

As detailed in this report, the contract was procured for a term commencing on 1 April 2020 for an initial period of 3 years. An option to extend the term for a further year (until 31 March 2024) was built into the contract. As such, the recommendation is to utilise an already advertised extension period which was built into the contract. No modification will be required as a result. As such, there are no known legal implications in respect of the recommendation.

(Sarah Orrell)

*What are the **procurement** implications?*

Provision exists in the current contract to extend this arrangement for a final year in line with the recommendations in this report. The Commercial Procurement Unit therefore supports the recommendations in this report and will work with the Commissioning team to develop a service specification that is in accordance with procurement obligations such as value for money and transparency. The Commercial Procurement Unit recommends the following future actions:

- a. Clear KPI's must be agreed with the Provider and the Commissioning Team to manages and monitors KPI's
- b. The setting up of a working group involving the Procurement Team at an early stage ensuring no further requests will be made to extend this contract in the future.
- c. Ensure appropriate consultation is undertaken at pre-procurement stage with the provider market.

(Mohammad Sharif) 11/07/2022.

*What are the **Human Resources***

It is understood that anyone employed to deliver

implications?

this contract is employed by Oldham Point and therefore there are no direct HR Implications for Oldham Council employees. Should the contract be retendered or decommissioned then there may be redundancy/TUPE implications in the future for the relevant organisations.
Kate Jolley 9/6/2022

Equality and Diversity Impact Assessment attached or not required because (please give reason)

None – this service is available for all families who require information, advice and support in relation to SEND.

What are the **property** implications?

None

Risks:

If the option to extend, which was included as part of the original procurement and commissioning process, is not approved, there is a risk that there could be a gap in statutory services from 1 April 2023. This would impact on some of our most vulnerable children, young people and families. (Mark Stenson)

Co-operative agenda

The SEND Information, Advice and Support Service is fully aligned to the partnership's cooperative values as the service promotes independence and self-advocacy for children, young people and parents/carers. This contract particularly promotes fairness, openness and respect in terms of the service that it provides.
(Jonathan Downs)

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution?

Yes

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget?

Yes

Are any of the recommendations within this report contrary to the Policy Framework of the Council?

No

List of Background Papers under Section 100D of the Local Government Act 1972:

Title	Available from

Report Author Sign-off:	
Andrea Weir	
Date: 25/8/22	

Please list and attach any appendices:-

Appendix number or letter	Description

In consultation with Managing Director Children and Young People (DCS)



Signed :

Date:25/8/22