

**MUNICIPAL YEAR 2017/2018 - REPORT NO.**

**ACTION TO BE TAKEN UNDER  
DELEGATED AUTHORITY**

**REPORT OF:** Tony Theodoulou  
Executive Director of Children's  
Services

<b>Agenda - Part: 1</b>	<b>Item:</b>
<b>Subject: Agreement to award contract for an <i>Information, Advice &amp; Support Service for children and young people with Special Educational Needs and/or Disability</i></b>	
<b>Wards: All wards</b> <b>Key Decision No: KD4400</b>	
<b>Cabinet Member consulted:</b> <b>Cllr. Ayfer Orhan</b>	

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**1. EXECUTIVE SUMMARY**

- 1.1 Following the decision to tender the *Information, Advice and Support Service* (the "Service"), approval is sought to award the contract to Tenderer A.
- 1.2 This report seeks approval to accept a tender for provision of the Service.
- 1.3 Providing this service is an obligation under the Children and Families Act 2014.

**2. RECOMMENDATIONS**

- 2.1 That the Director of Children's Services and the Lead Member for Children's Services approve the appointment of Tenderer A to provide this service.

**3. BACKGROUND**

- 3.1 Local Authorities have a duty under the Special Educational Needs and Disability Code of Practice: 0-25 Years (SEND Code of Practice) (2014), to ensure that parents of children with SEN or disabilities (SEND), and young people aged 16-

25 with SEND, are provided with information and advice about matters relating to their SEND, including matters relating to health and social care. Local Authorities have a duty to ensure these services are known to: children, their parents and young people in their area; head teachers, proprietors and principals of schools and post-16 institutions in their area, and others as appropriate. The obligations and expectations of an Information, Advice and Support Service (IASS) are set out in Chapter 2 of the SEND Code of Practice and the standards expected of a SEND IASS can be found in the IASS Quality Standards.

3.2 The SEND Code of Practice requires that quality information, advice and support is offered to:

- children and young people with SEN
- parents of children with SEN
- disabled children and young people
- parents of children with disabilities

3.3 Access to free, accurate and impartial advice, information and support promotes effective partnership working and recognises the importance of the active involvement of parents, children and young people in decisions about special educational provision.

3.4 The Children and Families Act 2014 and the revised SEND Code of Practice are intended to strengthen the participation of parents, children and young people.

3.5 In the provision of an IASS, the Local Authority is required to take into account the following principles, as detailed in the Code of Practice:

3.5.1 The information advice and support should be impartial and provided at arm's length from the local authority and CCGs.

3.5.2 The information advice and support offered should be free, accurate, confidential, and in formats which are accessible and responsive to the needs of users.

3.5.3 Staff providing information, advice and support should work in partnership with children, young people, parents, local authorities, CCGs and other relevant partners.

3.5.4 Provision of information, advice and support should help to promote independence, self-advocacy for children, young people and parents.

3.5.5 Staff providing information, advice and support should work with local representative groups to ensure that the views and experiences of

children, young people and parents inform policy and practice of the local authority.

- 3.6 The Service falls under the 'light touch' regime of the Public Contracts Regulations 2015.
- 3.7 In accordance with advice from the Procurement and Commissioning Hub, an open tender process was used for the Service, inviting organisations to tender. Two final bids were received during the tendering process. The tender that is the most economically advantageous and which best complies with the quality requirements of the Council is recommended.
- 3.8 Funding for the Service is provided via the Dedicated Schools Grant.
- 3.9 The start date for the contract will be 1<sup>st</sup> September 2017. The contract will run for 2+1 years.

#### **4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 There were no alternative options to tendering externally, as the Service should be completely independent from the Council.

#### **5. REASONS FOR RECOMMENDATIONS**

- 5.1 The Service will ensure that parents of children with SEN or disabilities (SEND), and young people aged 16-25 with SEND, are provided with information and advice about matters relating to their SEND, including matters relating to health and social care.

#### **6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS**

##### **6.1 Financial Implications**

- 6.1.1 The 2017/18 budget for the SEND information, Advice and Support Service is £115,500. The cost of new contract should not exceed the budget provision.
- 6.1.2 Equifax company information reports were requested for the two companies tendering for this service and these reports concluded that

- Tenderer A was a company with sufficient financial stability to undertake contracts to a value of £250,000
- Tenderer B was a company with accumulated losses and further assurances from Directors should be obtained before entering into a contract

Based on this financial information it is recommended that Tenderer A is the only company with the financial stability to undertake this contract.

## **6.2 Legal Implications**

- 6.2.1 The SEND Code of Practice provides statutory guidance on duties, policies and procedures relating to Part 3 of the Children and Families Act 2014 (and associated regulations), and requires the Council to fulfil its obligations described at 3.1 - 3.5 above. Section 111 of the Local Government Act 1972 authorises the Council to undertake an activity that is necessary or reasonably necessary to implement the discharge of a statutory function, and in addition the general power of competence in section 1 of the Localism Act 2011 permits the Council to do anything an individual can, apart from that which is specifically prohibited. The recommendations within this Report are in accordance with these powers.
- 6.2.2 The Council has power under section 1(1) of the Localism Act 2011 to do anything that individuals generally may do, provided it is not prohibited by legislation and subject to Public Law principles. There is no express prohibition, restriction or limitation contained in a statute against use of the power in this way. In addition, section 111 of the Local Government Act 1972 gives a local authority power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.
- 6.2.3 The procurement of the Service has been in accordance with the Public Contracts Regulations and the Council's Constitution, in particular the Contract Procedure Rules.
- 6.2.4 Legal agreements must be in a form approved by the Assistant Director of Legal and Governance Services.

## **6.3 Other Implications**

### **6.3.1 Key Risks**

- 6.3.1.1 No significant risks have been identified. As the competitive nature of the tender process may have resulted in a change of service provider, sufficient notice had been built into the tender process to accommodate necessary arrangements, should there have been a change to delivery.

## **7. IMPACT ON COUNCIL PRIORITIES**

### **7.1 Fairness for All**

- 7.1.1 The Service will be available for the families of children and young people aged 0-25. The information, advice and guidance given to these families will ultimately help ensure that children and young people with SEND receive the same opportunities as those children and young people who do not have these requirements.

### **7.2 Growth and Sustainability**

- 7.2.1 The Service will provide specialist support to families to help enable children and young people with SEND to realise their potential and achieve maximum independence, improving their learning and life outcomes, and helping them to contribute to the local community and workforce.

## **8 EQUALITIES IMPACT IMPLICATIONS**

- 8.1 A predictive Equalities Impact Assessment has been completed. No negative impacts have been identified. This Service will comply with diversity and equal opportunities requirements.

## **9 PERFORMANCE MANAGEMENT IMPLICATIONS**

- 9.1 This Service will ensure the Council meets statutory requirements under the Children and Families Act 2014. The Service will be monitored and measured on its outcomes. Termly reports will be provided to the Council.

## **10 PUBLIC HEALTH IMPLICATIONS**

- 10.1 The Service will help ensure that the health and wellbeing of service users is addressed.

## **Background Papers**

No background papers are included in this report.