

London Borough of Enfield

Children's Services Portfolio Decision

Subject:	Extension of contract – SEND Information, Advice & Support Service (IASS)
Cabinet Member:	Cllr. Rick Jewell
Executive Director:	Tony Theodoulou
Key Decision:	N/A

Purpose of Report

1. Approval is sought to extend the current SEND Information, Advice & Support Service (IASS) contract between the Council and Every Parent & Child (EPC), for up to one year.

Proposal(s)

2. The current contract delivers a statutory Information, Advice and Support Service for children and young people aged 0-25 years, and their parents/carers. The contract started on 01.09.17 and is due to end on 31.08.20. Following advice from the Council's Procurement and Commissioning Hub, it is proposed that the contract be extended by a term of six months + six months. This will ensure continuity of the service for the children, young people and their families using it, whilst a formal retendering exercise takes place.

Reason for Proposal(s)

3. Restrictions linked to COVID-19 have prevented an appropriate tender exercise from taking place. The contract extension will allow for the necessary processes to be followed, whilst also ensuring that the opportunity to tender is accessible to all relevant interested organisations.

Relevance to the Council Plan

4. This service helps to sustain strong and healthy communities by providing or signposting to specialist support that enables children and young people with special educational needs and/or disabilities 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.

Background

5. 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 special educational needs 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.
6. Every Parent & Child (EPC) has provided this statutory service since implementation of the Children & Families Act (2014).

Main Considerations for the Council

7. Local Authorities have a duty under the SEND Code of Practice (2014), to ensure that parents of children with 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.
8. The Service falls under the 'light touch' regime of the Public Contracts Regulations 2015.
9. Funding for the Service is provided via the Council's general fund. The budget for the extension will be the same as that for the current contract, at £115,500 pa.
10. The current contract began on 01.09.17 and will end on 31.08.20. The proposed extension period will run from 01.09.20 to either 31.03.21 or 31.08.21 (six months + six months).
11. The extension is being sought due to restrictions linked to COVID-19 preventing an appropriate tender exercise from taking place. The contract extension will allow for necessary procurement processes to be followed, whilst also ensuring that the opportunity to tender is accessible to all relevant interested organisations.
12. The contract may be extended under the Public Contracts Regulations 2015 Regulation 72 (c) (i), i.e. "Contracts and framework agreements may be modified without a new procurement procedure in accordance with this Part... where all of the following conditions are fulfilled: —
 - (i) the need for modification has been brought about by circumstances which a diligent contracting authority could not have foreseen;
 - (ii) the modification does not alter the overall nature of the contract;
 - (iii) any increase in price does not exceed 50% of the value of the original contract or framework agreement."

Safeguarding Implications

13. The nature of this service means that staff are in contact with vulnerable children and young people, and possibly vulnerable adults, during provision of contract requirements. The service is therefore subject to specific standards and targets in terms of safeguarding vulnerable young people and the contractor has responsibility for the management and control of Regulated Activity as set out within the service specification and for the purposes of the Safeguarding Vulnerable Groups Act (2006).
14. Amongst other safeguarding requirements, all staff working for the service must have a valid enhanced disclosure check regularly undertaken via the Disclosure and Barring Service (DBS). Adherence to this requirement is checked during contract monitoring meetings. Staff are also required to be trained in Safeguarding, Child Protection and Data Protection. Any staff training undertaken is also verified during contract meetings.

Public Health Implications

15. This service provides information, advice and guidance pertaining to SEND, to help ensure that the wellbeing of service users – children and young people with SEND – is addressed in terms of their educational, health and social care requirements. The service impacts positively on children and young people's employment, skills and educational opportunities, as it helps address the identified needs of children and young people in this area, including the requirements set out within individuals' Education, Health and Care Plans (EHCPs). The service supports the service user in accessing opportunities that can lead to employment, helps ensure their physical and mental wellbeing, and promotes family resilience.

Equalities Impact of the Proposal

16. A predictive Equalities Impact Assessment has been completed. No negative impacts have been identified. This service complies with diversity and equal opportunities requirements.

Environmental and Climate Change Considerations

17. This proposal is not expected to have significant impact on the Environment or Climate Change. The service is currently provided from Council-owned premises that are visited by service users. Many service users live locally to the service, which is in the Borough's eastern corridor. Whilst staff do sometimes visit other locations in the Borough, this is generally to attend meetings or training sessions. Physical meetings have reduced during the COVID-19 pandemic, and it is likely that this will continue post-pandemic.

Risks that may arise if the proposed decision and related work is not taken

18. If the extension is not approved, the tender process could still go ahead, but the advert may not be seen by the whole market. Additionally, some interested organisations may not be in a position to tender at the current time, whilst COVID-19 restrictions are in place.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

19. No risks have been identified. The service will continue its provision as normal.

Financial Implications

20. There are no financial implications for 2020/21 as the current annual contract cost of £115,500 will continue for the period of the extension. When the formal tender process is completed a follow-up report will be required to confirm any financial implications for 2021/22 onwards.

(Financial imps provided on 13 July 2020)

Legal Implications

- 21.1 Section 111 of the Local Government Act 1972 gives a local authority power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

- 21.2 The Council also has a general power of competence in section 1(1) of the Localism Act 2011. This states that a local authority has the power to do anything that individuals generally may do provided it is not prohibited by legislation. The proposed arrangements which the Council wishes to enter into and which are detailed in this report are in accordance with this power.

- 21.3 There is power under CPR 7 (Variations to Contracts) for the Council to agree variations with a contractor providing that budget is allocated for the expenditure, value for money is demonstrated and appropriate authority for the variation is in place. In addition, the variation must be implemented in accordance with the terms of the Contract (see CPR 7.1.2 to 7.1.4).

- 21.4 The Director has power to approve a variation under CPR 1.22.

(Legal imps provided on 29 June 2020)

Options Considered

1. This service must be provided independently of the Council. Tendering the service at this time is considered counterproductive, as the effect of the current pandemic would limit the market.

Conclusions

2. In view of the above information, it is considered that the SEND IASS contract be extended for up to one year (six months + six months).

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Appendices

None.

Background Papers

The following documents have been relied on in the preparation of this report:

None.