



Report for: ACTION/INFORMATION
Item Number: 15

Contains Confidential or Exempt Information	NO
Title	Procurement of Ealing Parent Partnership Service/ Impartial Information, Advice and Support (IIAS)
Responsible Officer(s)	Chris Hogan, Director of Children and Families
Author(s)	Danielle Grant-Vest, Children's Commissioning
Portfolio(s)	Cllr Rai
For Consideration By	Cabinet
Date to be Considered	14 th February 2017
Implementation Date if Not Called In	27 th February
Affected Wards	All
Keywords/Index	SEND, Children with Disabilities, procurement, tender

Purpose of Report:

To seek cabinet approval to proceed with procurement of a parent partnership services in Ealing for children and young people aged 0-25 as laid out in the SEND Reforms and Children and Families Act 2014.

1) Recommendations

That Cabinet

- 1.1 Authorises the Executive Director for Children, Adults and Public Health to invite and evaluate tenders for a local Impartial Information, Advice and Support (IIAS) contract for a period of three years from January 2018 with the option to extend for two 12 month periods expiring 31/12/2022, or alternatively, if the Council procures in collaboration with other Boroughs, authorises Ealing Council to act as the lead Council in the procurement of a local Impartial Information, Advice and Support (IIAS) contract on behalf of itself and partner boroughs with Ealing Council entering into a contract with the provider and the other Councils either having access agreements in relation to this contract or entering into individual contracts with the successful provider.
- 1.2 Delegates authority to the Executive Director for Children, Adults' and Public Health to award a contract to the most economically advantageous tender, following consultation with the Portfolio Holders for Children's Services.
- 1.3 Approves the Council's participation in a joint procurement and tendering exercise of the parent partnership services with neighbouring Boroughs, if following detailed review and options appraisals with the neighbouring boroughs of Brent, Harrow, and

Hillingdon, it is considered to be a financially viable and beneficial to the service for Ealing.

2) Reason for Decision and Options Considered

- 2.1 The Local Authority has a statutory duty to provide IAS services for children and young people aged 0-25 with additional needs in the borough as laid out in the Special Educational Needs and Disability (SEND) Reforms and Children and Families Act 2014. IAS are required to be independent and provide impartial advice and information on all aspects of Education, Health and Care Plans.
- 2.2 The current parent partnership contract was commissioned in 2009 on a three year term with the ability to extend the contract. The contract extension facility has now been exhausted and the current contract term comes to an end in December 2017.
- 2.3 The Special Educational Needs Code of Practice, 0 to 25 years (January 2015) sets out the minimum standards for this statutory service:
- a. The provision of impartial advice, information and support to all parents/carers of children with SEN and/or disability.
 - b. Information and advice must be free, accurate, and confidential and in formats which are accessible and responsive to the needs of users.
 - c. To work with the Parent Carer Forum and other user groups to ensure that parents/carers and young people's views are heard, understood and inform and influence the development of local SEN policy, practice and decision making.
 - d. Children are consulted and their views are taken into account in decision making
 - e. To work with schools, the Local Authority (LA), Clinical Commissioning Groups (CCGs) and commissioning officers and others to help them develop positive relationships with parents/carers and young
- 2.3 The current Parent Partnership service is provided by Family Action for £158,000 per annum and is joint funded by LBE (£108,000) and Ealing CCG (£50,000). Ealing Council holds the contract and manages the contract.
- 2.4 Procurement Options Considered
- Option 1 (a) – re commissioning service going out to tender, for one provider, on the open market– preferred option as it meets all procurement regulations and need to for service to be provided by an independent organisation to Ealing Council
 - Option 1 (b) – as above, but in conjunction with one or more other Council
 - Option 2 – decommission service and not re procure –not recommended as it is a statutory duty of the Council
 - Option 3 – deliver In house – Not recommended as it is a requirement of service to be independent

3) Key Implications

- 3.1 The proposal is to commission a new parent partnership services from January 2018. This would replace the current parent partnership service known as ISAID in Ealing and run by Family Action. The potential benefits of going out to tender are
- a) Maintain and independent and impartial service
 - b) Bring in new approaches and innovation
 - c) Test the market for value for money services
- 3.2 The council has statutory obligations to provide an independent parent partnership service as laid out in the SEND reforms and Children and Families Act 2014.
- 3.3 The service will be commissioned via an open tendering process meeting EU regulations enabling a provider to be commissioned that best meets the need and requirements of a parent partnership service as outlined in 2.3 above.

4) Financial

a) Financial impact on the budget (mandatory)

- 4.1 The new contract for the parent partnership service is for five years will take effect in 2017-18 and continue through to 2021-2022 with an option to extend for a further two years to 2023-2024.
- 4.2 The expected full value of the contract for the five year period is £0.672m with an annual value of £0.158m. This is joint funded by £0.108m from LBE and £0.050m from Ealing CCG. There is a confirmed ongoing commitment from Ealing CCG to meet their annual contribution.
- 4.3 It is assumed at the present time that the contract value will remain the same as the present value. This is subject to the procurement process. The contract term will allow for variations or termination should the Council or Ealing CCG decide to reduce the level of funding committed.
- 4.4 The table below summarises the expected contract value and the funding sources.

	Year 1 (2017/18) 3 Months £m	Year 2 (2018/19) £m	Year 3 (2019/20) £m	Year 4 (2020/21) £m	Year 5 (2021/22) £m
Contract Value	0.040	0.158	0.158	0.158	0.158
Funding:					
Ealing CCG	(0.012)	(0.050)	(0.050)	(0.050)	(0.050)
Council Contribution	(0.028)	(0.108)	(0.108)	(0.108)	(0.108)

Total	(0.040)	(0.158)	(0.158)	(0.158)	(0.158)
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- 4.5 The council contribution will be met from the Children's Services budget and the specific allocation to the existing parent partnership contract. This allocation is subject to the annual budget setting process. The contribution to this contract will be an ongoing commitment from the Children's Services budget. Children's Services budgets are monitored as part of the council's budget monitoring process.
- 4.6 Award of the contract will also need to give appropriate consideration to cost and value for money as part of the procurement process.

5) Legal

- 5.1 The IAS service meets the councils' requirements to provide an impartial information and advice service for children and young people with additional needs under the SEND reforms and Children and Families Act 2014, Part 3.
- 5.2 Sections 19(c), 26(3), 32 and 49 of the Children and Families Act 2014 set out a requirement that Local authorities **must** arrange for children with SEN or disabilities for whom they are responsible, and their parents, and young people with SEN or disabilities for whom they are responsible, to be provided with information and advice about matters relating to their SEN or disabilities, including matters relating to health and social care.
- 5.3 Local authorities have established IASS (formerly known as Parent Partnership services) to provide information, advice and support to parents in relation to SEN.
- 5.4 IASS should be impartial, confidential and accessible and should have the capacity to handle face-to-face, telephone and electronic enquiries.
- 5.5 The Council will need to review and publish information annually about the effectiveness of the information, advice and support provided, including customer satisfaction.
- 5.6 Procurement of the IAS service will be in accordance with the Council's Contract Procedure Rules and the Public Contract Regulations 2015.
- 5.7 The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) may be applicable where there is a change of contractor as a result of re-procurements/tenders.
- 5.8 Where TUPE applies, both the outgoing and incoming contractor will have obligations to give information to representatives of their affected employees, and will potentially be obliged to consult. Furthermore, where TUPE applies, each outgoing contractor is obliged to supply information relating to its relevant employees to the new contractor(s).
- 5.9 Employees of the existing contractors who are part of an organised group whose main purpose is to perform these Ealing contracts may have the right to be transferred to the new contractor(s), on the same terms and conditions and with their employment law rights preserved.
- 5.10 The legal requirement to comply with TUPE obligations (if any) falls on the respective contractors.

6) Value For Money

- 6.1 The contract for the IIAS will be for a fixed price and the tenders will be evaluated on the best quality service provided within the fixed price budget thereby providing the best value for money.
- 6.2 If a joint tender is pursued with neighbouring boroughs through working together the service should achieve financial savings or avoid upwards cost pressures.
- 6.3 IIAS can prevent individual cases going to tribunal. In 2014-15 85% cases were prevented from going to tribunal. Average cost of a tribunal is £10,000, in 20014-2015 this was equivalent to £230,000.

7) Sustainability Impact Appraisal

Not Applicable

8) Risk Management

- 8.1 Contract risks will be managed through adherence to Contract Procedure Rules and quality monitoring.
- 8.2 Care and Quality risks will be managed through on going contract and compliance monitoring.
- 8.3 The contract is a yearly reviewable contract for a 3 year with the ability to extend for 2 years. The contract will enable minor variations to the services to take place after the review and will be in place for the full three years.

9) Community Safety

None identified

10) Links to the 6 Priorities for the Borough

- **Healthier**
The community health services will support children and young people to improve their wellbeing
- **Prosperous**
The community health services will support children within school and community
- **Fairer**

11) Equalities, Human Rights and Community Cohesion

TO Be Completed

12) Staffing/Workforce and Accommodation implications:

12.1 No accommodation implications as each service are currently provided by an external provider in premises funded by themselves. TUPE may apply to staff presently employed by each current provider.

13) Property and Assets

there are no property implications.

14) Any other implications:

Anything else that seems appropriate, including impact on front line services and Area implications. Please keep to one paragraph.

15) Consultation

Please include any Scrutiny views and any resolutions from a Scrutiny Committee.

Give a summary of the views received from consultation [may be officer comments if the report is by a member].

Give a summary of the consultation methodology used e.g. How you decided who to consult and draw up the sample, what method of consultation, efforts to involve hard to reach groups, and how many responded overall.

16. Timetable for Implementation

- Supplier engagement – March 2017
- Spec Development – February - March 2017
- Tender process begins - May 2017
- Contract award - July 2017
- Contract start date – January 2018

17. Appendices

None

18. Background Information

None

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Judith Finlay	Executive Director of Adults, Children and Public Health			
Chris Hogan	Director, Children and Families Services			
Debbie Grey	Assistant Director of ESCAN			
Helen Green	Head of SEN, Strategy and Inclusion			

Maria Campagna	Strategic Finance Partner		January 2017	Finance section
Andrew Reeve	Finance Business Partner		January 2017	Finance section
Chuhr Nijjar	Senior Contracts Lawyer		January 2017	Throughout
Cllr Rai	Lead member			
External				

Report History

Decision type:	Urgency item?
Key decision	No
Report no:	Report author and contact for queries: Danielle Grant-Vest, Children's Commissioning, grantvestd@ealing.gov.uk , 02088257238