



CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY

13 NOVEMBER 2017

EARLY SUPPORT AND INCLUSION FOR CHILDREN WITH SPECIAL EDUCATIONAL NEEDS AND DISABILITIES

REPORT OF THE DIRECTOR OF CHILDREN AND FAMILY SERVICES

Purpose of the Report

1. The purpose of this report is to advise the Children and Families Overview and Scrutiny Committee of the current position with the Early Support and Inclusion contract the Department has with Menphys and to note the plan for the delivery of these services post-December 2017.

Policy Framework and Previous Decisions

2. Under the Children Act 1989, children and young people with disabilities are defined as *Children in Need* and therefore eligible for an assessment.
3. In April 2011 the short break duty came into effect and created a legal duty on Local Authorities in England to provide a range of short break services including:
 - Overnight care in the homes of disabled children or elsewhere.
 - Daytime care in the homes of disabled children or elsewhere.
 - Educational or leisure activities for disabled children outside their homes.
 - Services available to assist carers in the evenings, at weekends and during the schools holidays.
4. Under the Children and Families Act 2014 (the SEND reforms), Local Authorities have a duty to support children and young people with Special Educational Needs to facilitate their development and help them achieve the best possible outcomes.
5. At its meeting on 15 September 2017, the Cabinet considered an urgent report of the Director of Children and Family Services concerning the Council's current position in relation to the Early Support and Inclusion contract the Department had with Menphys and plans for the delivery of the services post December 2017. The report was urgent because the issue had

arisen after the agenda for the Cabinet meeting had been published and the subject needed to be addressed at the earliest opportunity. At this meeting, the Cabinet resolved:-

- (a) That delivery of the Early Support and Inclusion Services on the basis of in-house provision be approved;
- (b) That Menphys be advised that the Council's contract and procurement rules do not allow a further extension to the contract, and the Council is under no obligation to re-tender the provision as Menphys has requested.

Background

6. The Children and Family Services Department provides a range of services to children with disabilities and their families. This includes the commissioning of services for Early Support and Inclusion. The provision of such services aims to address equality issues for disabled children and help improve access to provision for children with special educational needs and disabilities (SEND) and their parent/carers across Leicestershire's diverse communities.
7. The County Council has commissioned Early Support and Inclusion services from Menphys since 2003, with an initial contract value of £80,000 increasing to £213,700 for the most recent contract, awarded in 2009 and extended to the end of March 2017.
8. In October 2016, the Children and Family Services Department developed a new specification to tender for Early Support and Inclusion Services to be delivered from April 2017. The specification was revised, due to the removal of the requirement to provide brokerage of summer play schemes, and the contract value was set at £170,000. The funding previously allocated for this element is now used to undertake the brokerage in house.
9. The aim of the tender specification was:
 - a) To deliver good quality Early Support to disabled children/young people and parent/carers living in Leicestershire, providing the necessary help for coordination, that can improve accessibility.
 - b) To provide a good range of opportunities for disabled children/young people to access fun and adventurous activities.
 - c) To provide signposting, advice and support for disabled children/young people and parent/carers on accessible resources. Further to this basic requirement, the information should be without delay and available in places where families with children routinely go.
 - d) To provide support and information that focuses on issues and updates regarding economic and social wellbeing matters, as they relate to (or affect) disabled children/young people and parent/carers

i.e. benefit advice, counselling advice, housing advocacy, volunteering opportunities, training and employment opportunities.

10. The procurement process closed on 20 December 2016 and Menphys was the only provider to apply for the contract. The bid was accompanied by a letter from Menphys that stated, in its opinion, that Menphys was unable to provide this service for the budget outlined in the Invitation to Tender. As a result, it was not possible to award the contract as part of this procurement process with a contract value that would have been materially different to the contract value stated in the Invitation to Tender.
11. In order to ensure there was no gap in the provision of services for children with disabilities and their families, it was agreed to extend the contract with Menphys (that was due to expire on 31 March 2017) for 6 months plus an optional 3 months - up to December 2017. During this period it was agreed that a full service review and needs assessment would be undertaken to determine the future commissioning of the services and consider all options for delivery.

Service Review

12. As part of the service review the Department worked with Menphys to look at the services it has delivered and the thresholds applied in delivering the work.
13. The majority of referrals received by Menphys came directly from parents (62%) and only 16% came through the Children and Family Services Department. 92% of the referrals to Menphys were for benefits or other financial advice and for information about play and leisure activities, short breaks and play schemes and only 8% were for early support (one-to-one support).
14. Additionally, already located within the Early Help Services in the Department are the SEND Local Offer and the Special Educational Needs and Disability Information Advice and Support Service (SENDIASS) which provides information, advice, support and services to children with disabilities and special educational needs and their families. These services have been running alongside the Menphys Service for a number of years.
15. The revised specification for the contract, developed in March 2017, stated that referrals were expected to come from families through a request for services to the Department, to ensure the correct threshold was applied in delivering services to children with SEND and their families. Referrals are not a matter for the provider of the services.
16. It is intended that in future all referrals for information, advice and support for children with disabilities and SEND will come through the Department's Early Help Hub in order to have a single route for families to assess need and provide the required support at the correct threshold, thereby ensuring assessment is undertaken to identify need and duplication of delivery is reduced.

Planned in-house provision

17. Over the last year the Children and Family Services Department has strengthened its response in the delivery of early help services for children with SEND. The Department is confident that it is able to deliver the necessary services in the revised specification in-house, alongside other services already delivered in the Department. This option makes more effective use of resources through the utilisation and expansion of existing Early Help processes and will provide a single point of contact for families.
18. The further development of the Early Help Hub will allow the provision of information and advice, access to more specialist short break services, and information about universal and targeted play and leisure services. For families who need additional support or where needs are not sufficiently clear, an Early Help assessment will be undertaken in order to identify needs and deliver required support through groups or on a one-to-one basis.
19. The Department will be able to deliver all services in the specification detailed in para 15 above in-house, utilising existing resources and adding capacity through the employment of a number of key posts utilising the Early Support and Inclusion funding of £170k as follows:-
 - 2 x SEND Early Help Family Support Officer– £70,000
 - SEND Development/Inclusion Officer – £45,000
 - Benefits training to staff in the early Help Hub- £2,000
 - Training and support to universal providers - £20,000
20. The above posts do not fully commit the existing resources available as ongoing planning is still taking place in partnership with health colleagues around support for children with complex health needs.
21. Notice has been given to Menphys in respect of the present contract extension. This will end on 31 December 2017 in order to enable further analysis and consultation to take place with Menphys and the families that Menphys is currently supporting to ensure their needs can be met.

Menphys Request

22. In July 2017, Menphys wrote to Mr. Ivan Ould CC, in his capacity as Lead Member for Children and Family Services to request a further extension to the current contract (to March 2018) and with a request that the County Council tender again with the £170,000 specification for the Early Support and Inclusion contract, with a start date of April 2018. The letter indicated that if the County Council were to do so, Menphys would be in a position to submit a compliant bid.
23. The County Council was unable to agree any further extension to the contract, as to do so would be in breach of contract procedure rules. Menphys was also advised that following the service review that has taken place over the

last six months, the County Council was no longer looking to procure those services externally.

24. Menphys has subsequently raised concerns in correspondence and through lobbying that it believes that the County Council decision will result in reduced and poorer services for children with special educational needs and disabilities.

Resource Implications

25. Legal advice is being sought in order to establish whether TUPE (Transfer of Undertakings (Protection of Employment)) arrangements will apply to the staff employed by Menphys at present. The Council's Legal Services are working with the Children and Family Services Department to compare the current specification against the planned in-house service in order to advise if TUPE applies.

Conclusion

26. The Children and Family Services Department is confident that the proposals put forward to deliver the Early Support and Inclusion Services in-house will ensure services to those children with special educational needs and disabilities and their families remain strong. The Department is also confident that service delivery will be further strengthened through the join up with existing Early Help and Family Support Services. The Department has been and continues to work with Menphys to identify those families who are currently in receipt of a service from Menphys to ensure there is no gap in provision when the contract ends in December 2017.

Background Papers

Report to Cabinet 15 September 2017 -

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MIId=4863&Ver=4>

Circulation Under Local Issues Alert Procedure

None.

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List of Appendices

Appendix A - Letter from Menphys dated 8 August 2017.

Equality and Human Rights Implications

27. The service currently provided works with vulnerable children, young people and families in the County. The above proposals for delivery provide a more holistic approach to the identification of need and delivery of services to meet the identified need. An Equality and Human Rights Impact Assessment was undertaken in October 2016 as part of the original commissioning process for the new specification. This impact assessment will be re visited in light of the decision to bring the services in-house.