

## Shared Services Joint Committee Wednesday 26<sup>th</sup> October 2022

<b>Report Title</b>	<b>Variation Notice SEND Information, Advice and Support Service (IASS)</b>
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<b>Executive Member</b>	<b>Cllr Scott Edwards, Executive Member for Children, Families, Education and Skills North Northamptonshire Council</b>  <b>Cllr Fiona Baker, Lead Member for Children Families, Education and Skills West Northamptonshire Council</b>

<b>Key Decision</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Is the decision eligible for call-in by Scrutiny?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Are there public sector equality duty implications?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Does the report contain confidential or exempt information (whether in appendices or not)?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972</b>	

### Contributors / Checkers / Approvers

Approver	Officer Name	Date Officer Approved Report
<b>North MO</b>	Adele Wylie	21 <sup>st</sup> September 2022
<b>West MO</b>	Catherine Whitehead	21 <sup>st</sup> September 2022
<b>North S151</b>	Janice Gotts	21 <sup>st</sup> September 2022
<b>West S151</b>	Martin Henry	21 <sup>st</sup> September 2022
<b>Other Director / SME</b>		
<b>Other Director / SME</b>		

## **1. Purpose of Report**

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- 1.1 Disaggregation of the Special Educational Needs and / or Disabilities & Information, Advice and Support Service (SEND IASS), which is currently hosted by North Northamptonshire Council (NNC) and provided to West Northamptonshire Council (WNC), is set out in the Planned Schedule of Disaggregation (Local Government Reform Blueprint).
- 1.2 Having carefully considered the risks and benefits of this disaggregation, the paper seeks approval for the implementation of disaggregating the services to WNC and NNC by 1 April 2023.

## **2. Executive Summary**

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- 2.1 Governed by the Inter Authority Agreement, the SEND IASS is hosted by NNC and provides services across both North and West Northamptonshire.
- 2.2 The hosted arrangement is governed and monitored by the Inter Authority Agreement (IAA) between both councils and is made up of eleven employees.
- 2.3 Local Authorities have a statutory duty to provide information, advice and support to children and young people with a disability or SEN, and their parents and / or carers. This is set out in section 4 of this report.
- 2.4 The delivery of the service is now being reviewed as set out in the Blueprint, and this paper considers the risks and benefits of disaggregation and different delivery models. The paper makes a recommendation that the service is disaggregated.

## **3. Recommendations**

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- 3.1 It is recommended that the Shared Services Joint Committee:
  - 3.1.1 Approve the decision to disaggregate the SEND IASS as Option 1 below. All work to be completed by no later than 31<sup>st</sup> March 2023.
  - 3.1.2 Grant delegated authority to the Monitoring Officers for NNC and WNC to put into place a deed of variation to the Inter Authority Agreement (IAA), Schedule 2B2.
  - 3.1.3 Approve that both WNC and NNC will act in accordance with Service Plans, Exit Plans and any Collaborative Working Agreements agreed by both WNC and NNC service leads and approved by Monitoring Officers until such time as a formal Deed of Variation has been completed.
- 3.2 Reasons for the recommendations:

- 3.2.1 In accordance with the original LGR Blueprint strategic vision, to ensure continuity and resilience of high-quality advice and support to Children and Young People and their families with SEND.
- 3.2.2 To provide in the long term, a service better aligned to local systems and approaches, tailored to the needs of local areas, who have differing SEND services, systems and processes (however it should be noted that the service currently operates well within these constraints).
- 3.2.3 Disaggregation simplifies current processes related to governance and delegated authority for operational decisions.
- 3.2.4 Greater integration with other services delivered at a Council Level.
- 3.2.5 Clarity of funding models based on individual School's Forum decisions.
- 3.3 Alternative Options:  
The Assistant Directors for Commissioning and Partnerships for both authorities have considered a range of options (see section 5 where these are set out).

#### **4. Report Background (Service Context)**

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- 4.1 Governed by the Inter Authority Agreement, the Northamptonshire SEND IASS is hosted by NNC and provides services across both North and West Northamptonshire.
- 4.2 The Local Authority has a statutory duty to provide information, advice and support to children and young people with a disability or SEN, and their parents and/ or carers (Children and Families Act [2014]. It is a requirement of the SEND Code of Practice (CoP) [2014, and as amended] and the Council for Disabled Children (CDC) Minimum Standards for local joint commissioning arrangements for the delivery of advice and information for children and young people with SEND and their families.
- 4.3 The service has 11 members of staff, several of whom work term-time only (9.48 FTE), and is currently based in One Angel Square, Northampton. There is 1FTE Manager and 1FTE Administrator, 2 FTE IAS Officers (each leading for North or West), and 5.48 case officers. The service supports children and young people aged 0 – 25 years with SEND, and their parent / carers, who are normally resident in Northamptonshire.
- 4.4 Northamptonshire SEND IAS service is responsible for delivering statutory obligations to provide children, young people and their parents with impartial information, advice and support about matters relating to their special educational needs and / or disabilities, including health and social care. The service works with children and young people and their

families who have an Education Health and Care Plan (EHCP), and those who do not meet the threshold. The service also provides information, advice and support when children or young people with SEND are excluded from education or at risk of being so. Caseworkers regularly attend meetings at schools and colleges, and at Team Around the Family (TAF) meetings. The service also offers support by email or telephone to other professionals, including schools.

- 4.5 During the period 1 June 2021 and 31 May 2022, the service had a caseload of 1,202 people, of which 1,189 were new referrals. Over the same period caseworkers had 5,061 contacts from service users.
- 4.5.1 North – for the period 1 June 2021 and 31 May 2022, 522 people accessed the IASS Service. 516 of these were new referrals. During the year caseworkers had 2,196 contacts with service users.
- 4.5.2 West – for the period 1 June 2021 and 31 May 2022, 680 people accessed the IASS Service. 673 of these were new referrals. During the year caseworkers had 2,865 contacts with service users.

5.	<b>Options Appraisal</b>	
5.1	Option 1: <b>Recommended</b> Service disaggregates into two, each to be managed by the relevant authority, in line with the original Blueprint agreement.	
	<i>Benefits</i>	<i>Risks</i>
	<p>Fulfils the strategic vision to disaggregate the service set out in the LGR blueprint (albeit later than set out).</p> <p>Disaggregation simplifies current processes related to governance and delegated authority for operational decisions.</p> <p>Individual service tailored to the needs of local areas, who have differing SEND services, systems and processes (however it should be noted that the service currently operates well within these constraints).</p> <p>Greater integration with other services delivered at a Council Level.</p>	<p>Staff are currently based in OAS, Northampton. Likelihood that staff will be lost because of any change to office base.</p> <p>The roles are highly specialised and require intensive training to be effective. Availability of highly specialist roles is limited and considerable risk of being unable to consistently fill key roles. This is likely to have greatest impact on NNC.</p> <p>Additional costs (of circa £80-90k) would be incurred which have not been budgeted for (for example, each service must have a dedicated service manager who holds no other responsibilities, and each service would require administration support).</p>

	<p>Clarity of funding models based on individual School's Forum decisions.</p>	<p>Reduced size of individual services would limit resilience due to potential increase in demand, resulting from either demographic pressures or failures in the statutory education services provided to CYP with SEND.</p> <p>Potentially less responsive service due to reduced capacity.</p> <p>Effective countywide working relationships with health services, Multi Academy Trusts etc would need to be duplicated, and / or would be weakened.</p> <p>There is a single Parent Carer Forum covering the County. It is a potential risk to the developing critical relationship that the IAS Service is split.</p> <p>There is significant potential for disruption to case holding responsibilities if staff move to separate services, leading to parental and carer discontent and potentially poorer outcomes for children and young people with SEND in the short term.</p> <p>The statutory SENDIAS Advisory Board have challenged the splitting of the service into two and are concerned that this has not been subject to informal consultation with the Northamptonshire Parent Carer Group (NPCG).</p> <p>Any potential destabilisation of the service (however interim this may or may not be), and any perceived parent carer dissatisfaction with this outcome poses risk to the Ofsted SEND inspection outcome.</p>
5.2	<p>Option 2: The IAA is amended, and the implementation of an alternative delivery model hosted by NNC.</p>	

	<i>Benefits</i>	<i>Risks</i>
	<p>Maintenance of the existing team, which is high performing, effectively meets need and delivers statutory services to vulnerable children countywide.</p> <p>Single service provides greater resilience and ability to meet unpredictable patterns of need.</p> <p>Specialist roles can be shared to ensure access to appropriately qualified staff.</p> <p>Avoids any potential adverse impact on service delivery, and service user experience.</p> <p>This would be managed within the current financial envelope.</p>	<p>Staff are currently based at OAS, Northampton. Moving the service wholesale into a NNC base would not be in line with the HR principles agreement reached between both authorities and the Trade Unions.</p> <p>There is a high probability that staff would leave in the short and medium term, leading to many of the risks outlined in Option 1 above.</p> <p>Lead authority bears risk of recruitment difficulties in specialist areas where there is limited availability.</p> <p>Opportunity to integrate with other services may be limited, without management support.</p> <p>Service failure would impact countywide.</p>
5.3	Option 3: The IAA is amended, and the implementation of an alternative delivery model hosted by WNC.	
	<i>Benefits</i>	<i>Risks</i>
	<p>Minimal disruption to current staff, significantly reduces likelihood of staff loss and service impact.</p> <p>Maintenance of the existing team, which is high performing, effectively meets need and delivers statutory services to vulnerable children countywide.</p> <p>Single service provides greater resilience and ability to meet unpredictable patterns of need.</p> <p>Specialist roles can be shared to ensure access to appropriately qualified staff.</p>	<p>Lead authority bears risk of recruitment difficulties in specialist areas where there is limited availability.</p> <p>Opportunity to integrate with other services may be limited, without management support.</p> <p>Service failure would impact countywide.</p>

	<p>Avoids any potential adverse impact on service delivery, and service user experience.</p> <p>This would be managed within the current financial envelope.</p>	
5.4	Option 4: Continue with current hosted arrangements model with NNC as the lead service.	
	<i>Benefits</i>	<i>Risks</i>
	<p>Maintenance of the existing team, which is high performing, effectively meets need and delivers statutory services to vulnerable children countywide.</p> <p>Single service provides greater resilience and ability to meet unpredictable patterns of need.</p> <p>Specialist roles can be shared to ensure access to appropriately qualified staff.</p> <p>Consistency of approach for countywide partners.</p>	<p>Continuation of staff uncertainty, leading potentially to loss of some staff leading to further risks outlined in Option 1.</p> <p>NNC staff based in WNC premises, potentially leading to management and welfare challenges.</p> <p>Lead authority bears risk of recruitment difficulties in specialist areas where there is limited availability.</p> <p>Service failure would impact countywide.</p>

## **6. Next Steps**

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6.1 Staff consultation will be undertaken in respect of change of employer.

## **7. Implications (including financial implications)**

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7.1 Resources and Financial

7.1.1 The budget for the service was split from 1 April 2021 as per the financial principles agreed between both North and West Northamptonshire Councils.

7.1.2 The service includes a total of 11 staff members and has a budget cost of £429k, jointly funded (up until April 2023) by North and West Northamptonshire Councils. The NNC budget provision is £218k; the WNC budget allocation is £211k.

- 7.1.3 Resources will be required from the enabler services in both authorities to support the development of a service specification, contract monitoring schedule etc and the TUPE of staff.
- 7.1.4 Employees will undergo a consultation period where employees will transfer across to West Northamptonshire Council under TUPE rules, and within the principles agreed with the Trades Unions.

## **8. Legal and Governance**

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- 8.1 Changes to the relevant elements of the existing IAA Schedule 2 will need to be made through an agreed Plan.
- 8.2 Provisions may be made for Collaborative Working Agreements between the North and the West Northamptonshire Authorities to ensure that service delivery to either authority is not jeopardised by any residual matters that cannot be resolved.
- 8.3 Any Data Protection Impact Assessments (DPIAs) and Data sharing Agreements that are required will be completed as part of the process. Information Governance Officers will be engaged with to ensure full compliance with relevant Data Protection legislation.

## **9. Relevant Policies and Plans**

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- 9.1 The proposal will assist delivery of the North Northamptonshire Corporate Plan 2021-2025 “Safe and thriving places” priority.
- 9.2 The proposal will assist delivery of the West Northamptonshire Council Plan 2021-2025 by enabling greater “connected communities”.

## **10. Risk**

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- 10.1 Risks associated with each option being explored have been referenced within section 5.
- 10.2 Risk remains in regard to the following:
- Due to the nature of the options being explored the original timeline for (September 2022) is not deliverable but will be completed as soon as possible and by no later than 31 March 2023.
- 10.3 Resource demands from the service area as well as enabler services need to be considered fully within any future proposals.

## **11. Consultation**

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- 11.1 The development of this report has been based on conversations between the Assistant Directors for Commissioning & Partnerships for NNC and WNC and aims to demonstrate a collective and collaborative



approach to the management and security of highly specialised services, which not only considers the principles and decisions made to date but also the nature, complexities and statutory requirements of the service itself.

- 11.2 Consultation with affected employees, supported by the Trade Unions, will be undertaken and the team members will be involved in the process via 1:1s and team meetings, with the opportunity to raise questions and concerns.
- 11.3 The SEND IASS Advisory Group is a multi-agency group of partners meeting once a school term. They have expressed a view that their preference would be for the retention of a single IASS Service for both Councils, however this is not in line with the Blueprint agreed by the Councils.
- 11.4 There is no statutory requirement for public consultation although the Code of Practice expects that changes should be subject to co-production.

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**12. Consideration by Executive Advisory Panel**

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- 12.1 None due to the nature of this report.

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**13. Consideration by Scrutiny**

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- 13.1 None due to the nature of this report.

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**14. Equality Implications**

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- 14.1 At this point in the process, it is not possible to fully assess the actual impact on all protected characteristic groups. An initial Equalities Screening Assessment will be undertaken during the process and discussed with the Equalities Officer. The situation will be reviewed during staff consultation and for any equality implications that are identified, appropriate mitigating actions will be taken (where possible).

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**15. Climate Impact**

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- 15.1 None due to the nature of this report.

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**16. Community Impact**

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- 16.1 Webpages, customer journeys and referral pathways will be reviewed to establish appropriate information and processes. Stakeholders will be communicated with to ensure there is clarity over how to access the services.

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**17. Crime and Disorder Impact**

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- 17.1 None due to the nature of this report