

**Manchester City Council
Report for Resolution**

Report to: Children and Young People Scrutiny Committee - 9 March 2022
Executive – 16 March 2022

Subject: Manchester Sensory Support Service Commission

Report of: Strategic Director of Children and Education Services

Summary

This report outlines a proposal to commission a provider through an open tender process to run the Manchester Sensory Support Service. The report covers the statutory requirements for the sensory service, the governance arrangements explored and recommends an option for the future provision of the Sensory Support Service in order to deliver an outstanding service and improve outcomes for children and young people with sensory impairment. The budget for this service is £2.83 million and there are no plans to reduce this budget as part of the proposals outlined in this report.

Recommendations

It is recommended that;

1. The Children and Young People Scrutiny Committee comment on this proposal.
 2. The Executive
 - (i) Approves progressing option 3 within a budget envelope of £2.83m per annum.
 - (ii) Delegate authority to the Strategic Director for Children and Education to do all things necessary to conduct the procurement exercise and award the contract for the service in consultation with the Deputy Chief Executive, City Treasurer.
 - (iii) Authorises the City Solicitor to enter all necessary documentation to give effect to the recommendations and details set out in the report.
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Wards Affected - All

Environmental Impact Assessment - the impact of the decisions proposed in this report on achieving the zero-carbon target for the city

N/A

Our Manchester Strategy outcomes	Contribution to the strategy
A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	The Sensory Support Service will support all schools to be inclusive and improve the outcomes for children and young people with a sensory impairment. This will enable them to access employment and other opportunities in the city.
A highly skilled city: world class and home grown talent sustaining the city's economic success	An effective Sensory Support Service will work in partnership with education providers in the city to make sure that children and young people achieve their potential in education and develop skills and talents which will enable them to access jobs and opportunities created in the city.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	Regular attendance at a high performing, inclusive school and access to the right support helps all children and young people to develop appropriate social skills, self respect and respect for others and therefore make a positive contribution to their community.
A liveable and low carbon city: a destination of choice to live, visit, work	Access to effective and inclusive schools providing high quality education is central to the Council's strategy of developing sustainable neighbourhoods, to make Manchester increasingly attractive to economically active people as a place to live, work and bring up children.
A connected city: world class infrastructure and connectivity to drive growth	Enabling children and young people to use technology effectively will enhance their opportunities in the labour market and ability to connect with friends.

Full details are in the body of the report, along with any implications for

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

There are no plans to reduce the commission for the Sensory Service, therefore, in considering the options presented the financial consideration focuses on robust financial oversight rather than on financial savings. The commission remains £2.83 million.

Financial Consequences – Capital

None

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Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

1. Report to Children and Young People Scrutiny Committee and Executive: Changes to Lancasterian Sensory Support Service, March 2017
2. Report to Children and Young People Scrutiny Committee: SEND Annual Report, March 2020
3. Report to Children and Young People Scrutiny Committee: Local Area SEND Inspection Letter, March 2022

1.0 Introduction

- 1.1 Our Manchester, Our Children: Manchester's Children and Young People's Plan, outlines the vision of a 'safe, happy, healthy and successful future for children and young people.'
- 1.2 During November 2021, Ofsted and the Care Quality Commission conducted an Area Special Educational Needs and Disability (SEND) Inspection of Manchester. Inspectors reported that '*Leaders have a clear vision for improving the outcomes for children and young people with SEND. This vision is communicated to stakeholders with passion and ambition. Leaders have made progress in improving the quality of provision for children and young people with SEND since the 2014 reforms.*'
- 1.3 In order to realise this vision, Manchester City Council has the highest possible expectations for children and young people with sensory needs: that they can aspire to reach their potential academically, have friends, be active in their communities, have support for their health and emotional wellbeing and be able to access work and independence as adults.
- 1.4 Manchester City Council offers a wide range of specialist services and provision for children and young people with special educational needs and disabilities (SEND) within the city: inclusive mainstream settings, schools and colleges; mainstream education with support; resourced mainstream provision; specialist education provision for children and young people with different types of needs. The local authority ensures the range of specialist services, and the number and types of specialist provision is continually reviewed to ensure there is a sufficient range and choice of 'school places' to meet children's presenting need and that settings and services deliver good outcomes for children and young people with SEND. This is also a requirement of the Special Educational Needs and Disability Code of Practice 2015.
- 1.5 In 2017, the Executive agreed the proposal for the local authority to continue commissioning Lancasterian School to run the Sensory Support Service, for the specification of the commission to be revised and the value of the commission reduced by £275,510 to £2.83 million. These changes were designed to make sure the Sensory Support Service was affordable; provide children and young people with access to specialist support and/or equipment to access learning, be responsive to changing individual needs and would contribute to the improvement of the outcomes for children and young people with a sensory impairment. There are no plans to reduce this budget as part of the proposals outlined in this report.
- 1.6 The role of the Sensory Support Service was acknowledged in the Ofsted CQC inspection report: '*The Manchester Sensory Service gives advice to parents of visually and hearing-impaired children, including those without an EHC plan. They help parents to make more informed decisions about education and specialist equipment and how to access community activities.*'

2.0 Background

2.1 National context

The SEND Code of Practice 2015, states that: 'Many children with vision impairment (VI), hearing impairment (HI) or a multi-sensory impairment (MSI) will require specialist support and/or equipment to access their learning or habilitation (mobility) support.' (paragraph 6.34). It goes on to say that schools should work closely with the Local Authority to agree the range of local services and clear arrangements for making appropriate requests. This might include schools commissioning specialist services directly which include: specialist teachers with a mandatory qualification for children with HI and VI (paragraph 6.61). The Code of Practice does not specify how these specialist services should be organised or commissioned.

- 2.2 In 2021, 86% of educational support services for deaf children nationally were directly operated by their local authority (CRIDE 2021). 4% were commissioned to a resourced provision or special school for deaf children. The other 8% were provided by another body or organisation or through a joint arrangement between local authorities or one authority and a public or private organisation. The national picture for services for children with visual impairment would likely be similar to those for hearing impaired pupils. All education services for sensory impairment (SI) in Greater Manchester are operated directly by the relevant Local Authority currently.

2.3 Local context

Manchester Local Authority commissions specialist support schools to provide outreach support to mainstream schools and settings to ensure the environment is inclusive and staff have the skills and resources to teach and support children and young people with SEND. The local authority has commissioned Lancasterian School through a service level agreement to provide a city-wide Sensory Support Service since 2011. The Service is funded through the High Needs Block within the Dedicated Schools Grant (DSG). The value of the SLA is £2.83 million. Following a period when Lancasterian School has faced a number of challenges including a change of leadership and governors and after implementing some alternative arrangements, in 2021 Lancasterian School confirmed that it no longer wishes to provide governance and oversight for this service, so the local authority needs to seek a new provider.

- 2.4 The vast majority, of children and young people with sensory needs have their needs identified, assessed and provided for within local mainstream provision. Only in a minority of cases does a child or young person have sensory needs of a severity or complexity which require a statutory assessment, Education, Health and Care Plan (EHCP) and/or specialist or resourced provision. For these children, flexible support in local mainstream provision is the first option considered. For some children, very specialist provision will be required which may be best provided by placement in a specialist school or a mainstream school with specialist resourced provision.

- 2.5 The Sensory Support Service supports all children and young people who have a sensory impairment such that additional support and/or advice are required, at home, in nursery settings and in primary, secondary and special schools. The age group supported by the Service ranges from birth to leaving school provision, i.e. 16 or 19 depending on provision. The Service also supports young people to make a good transition to post 16 provision.
- 2.6 Hearing and Visual Impairments are low incidence needs. The Sensory Support Service currently provides support to 629 children and young people with different levels of Hearing Impairment (HI) in 184 settings; 417 children and young people with Visual Impairment (VI) in 149 settings. The severity of condition and degree of support required varies. 28 children/young people communicate in British Sign Language and 15 are Braille users.
- 2.7 The Sensory Support Service is commissioned to provide:
- A peripatetic service to promote inclusion and maximise outcomes for children and young people 0-25 in Manchester
 - Specialist staffing to maximise the outcomes of deaf children and young people in resourced provisions.
 - Training for staff in educational settings across Manchester to enable them to better meet the needs of sensory impaired learners
 - Individualised assessment, advice, training and direct interventions for children and young people referred to the service.
 - Specialist advice to the local authority to enable the authority to discharge its functions.
- 2.8 The peripatetic service must provide appropriate and timely assessment and support for children and young people aged 0-25 from time of diagnosis to leaving school, further education or training.
- 2.9 Depending on the assessed need interventions may be provided by the peripatetic or resourced provision staff, including:
- Direct teaching of skills to mitigate the impact of sensory impairment
 - Support to families and settings through bespoke training, information, advice and modelling good practice.
 - Assessment of specialist equipment needs.
 - Support for transition.
 - Contributions to multi-agency meetings, assessments and plans.
 - Signposting families and professionals to other sources of support.
 - Signposting children and young people to opportunities for meeting others with similar needs and providing opportunities as required.
- 2.10 The Service is responsible for providing specialist staffing required to maximise outcomes for pupils in resourced provisions for deaf learners, working in close partnership with mainstream school leaders and staff. The specialist staff from the service are expected to teach language and curriculum areas and may teach maths and other areas of the curriculum.

- 2.11 The service also provides and maintains specialist equipment, software and resources. The service will loan equipment to children/young people and settings to enable access to the curriculum, support independent learning and prepare for adulthood. The service is responsible for repairs of resources it has loaned and checks and maintenance of hearing aids and radio aids.
- 2.12 The service will loan specialist learning resources to families to support the child's development and will support, assist and train schools and settings to produce learning resources in alternative formats, such as Braille.
- 2.13 The Service is also required to support the local authority to fulfil its statutory duties through:
- Contributing advice for children and young people undergoing EHCP assessment and for reviews of EHCPs
 - Present expert evidence at Tribunals and other meetings.
 - Provide all of the specialist input identified as its responsibility in the EHCP.
 - Provide data and professional insight to allow the local authority to plan and meet needs of children and young people with sensory impairments.
 - Build capacity in settings across Manchester by providing training and awareness raising relating to sensory impairment.
- 2.14 The Service is required to provide advice and support to assist families – in particular for families with a child that is newly diagnosed or new to Manchester.

2.15 Staffing

Staff are employed by Lancasterian School, which is a maintained school. There are currently 61.6 full time equivalent posts; the majority of staff are teachers and teaching assistants. Other roles include audiologist, specialist technicians, family support, habilitation (mobility) officers, ICT and business management/administration. Teachers are required to have a specialist qualification – Teacher of the Deaf or Qualified Teacher of Visually Impaired. Most of the posts are term time only.

- 2.16 Whilst the respective staff and their trade union representatives have been engaged, subject to the decision of the Executive they would be engaged in a formal consultation and TUPE process throughout.

3.0 Options considered for the future governance of the Sensory Support Service.

- 3.1 A number of options have been developed and considered with the service to identify the best possible future governance and oversight arrangements going forward. There has been considerable learning from both the co-location and governance of this service within a school structure. Placing the service within a school structure has ensured much closer links with developments in curriculum and teaching and learning and also provided flexibilities and

opportunities for recruitment and staff development. However, the considerable reach of this service and size of budget and staffing as set out in paragraphs 2.1 to 2.15 has also placed additional responsibilities and pressure on a local Governing Body which is also responsible for the governance of the school; evidently a priority for the Governing Body. There are 3 different options which have been considered and are outlined below:

- 3.2 **Option 1.** The Council brings the service back in house and manages it directly as part of Children's and Education Services. This option has been discounted as Manchester has established a self-supporting school system and has decentralised many of its services over a number of years – ensuring that services are as close to where they are directly delivered as possible. The Local Authority does not employ teachers (who are employed on different terms and conditions to Council officers) and has no current capacity or provision within its systems and support functions to absorb the service. More importantly, the Council does not currently directly manage any other SEND specialist services for children and young people and so this service would stand alone within the service rather than being an integral part of the school system which it works with to directly teach and support children.
- 3.3 **Option 2.** Setting up a Manchester Sensory Support Service Trust – as a charitable body or company limited by guarantee (which then the Council would commission to deliver the Sensory Service). This option has been discounted as the Service does not have the business expertise to run a company or charity. There would be a risk that Service resources would be diverted from their principal role of providing services to children and young people with sensory impairments. Establishing a Trust would have significant set up costs and would also take around twelve months to create.
- 3.4 **Option 3.** Maintain the strengths of the current model and commission the service. The provider would be procured via procurement process in compliance with the Public Contracts Regulations 2015 (as applicable). Officers have taken advice from Legal and the Procurement Service and are confident that with a very clear specification which would require potential providers to be operating within the school system with a strong track record of improving outcomes for children and young people that this option would confer the greatest benefits to children, young people and staff, whilst providing the local authority with assurance that outcomes are delivered. The local authority currently commissions the Educational Psychology Service and has recently taken this out to a competitive procurement exercise. There have been many benefits from commissioning this service from another provider including being able to hold the provider to account for performance and delivery without becoming involved in specialist recruitment and training as well as organising operational delivery of a very large service and other transactional issues.

4.0 **The following considerations need to be considered in the specification for a new managing organisation:**

- 4.1 **Leadership and education:** It is important that the managing organisation in

the future can provide strong support and challenge for the service, and provide governance and make decisions based on a good understanding of education, SEND and school improvement strategies.

- 4.2 **Joint working:** Manchester has decentralised SEND support services, and therefore, there is an additional importance for a commitment to information sharing and to work in partnership with other SEND services in the city.
- 4.3 **Co-production:** The service should work in coproduction with families; using the voice of children and young people and their parents/carers to inform support offered to individuals and for wider service development.
- 4.4 **HR issues:** If the service were commissioned to any provider other than a community school, TUPE would apply. An education provider would understand the HR issues in relation to the education workforce, and have appropriate policies and systems in place.
- 4.5 The Head of the Sensory Service engaged Sensory Service staff to explore with them future governance arrangements. There was consensus that staff would like consideration of the following as priorities in any future arrangement:
 - A clear vision for future of the service, in terms of delivering the best service to children and young people including a continuation of the direct teaching role of the service.
 - An equal partnership where the service's needs are understood and receive equal priority with those of the managing organisation.
 - A "proportional" say in governance if a school is commissioned. This would include staff and service user representation.
 - The Sensory Service budget ring-fenced.

5. Performance indicators and reporting requirements.

- 5.1 The Service will be required to provide a twice-yearly monitoring report. The report will include:
 - How the service contributes to the vision for all children including those with SEND – safe, happy, healthy, successful and independent.
 - Caseload data
 - Number of referrals received
 - Timescales in responding to referrals and requests for specialist advice
 - Pupil outcomes
 - Evidence of pupil and parent/carer voice
 - Satisfaction data
 - Training provided to schools and other agencies and impact of training
 - Service staff development
 - Budget
 - Service development plan

6.0 Proposal

6.1 The local authority has considered many options for the future management and governance of Manchester Sensory Support Service. The option which will best contribute to good outcomes for children and young people and provide a stable future for capable, confident and talented staff to make a positive contribution is to place the Sensory Service with a provider who has a track record of successfully running schools and/or education services; strong governance and a robust back office which provides professional development, finance and HR support. Therefore, the recommended proposal is to go to open procurement through a tender on the Chest.

6.2 Proposed timeline

Should the Executive accept and make the decision to go undertake a competitive procurement exercise to procure a service provider it is proposed the following indicative timeline will be followed to ensure a smooth transition:

- Specification documents to be completed by August 2022
- Tender published – September 2022
- Key decision – December 2022
- Contract awarded – January 2023
- Consultations with staff and unions – January-March 2023
- Contract starts – April 2023

7.0 Financial considerations

There are no plans to reduce the commission for the Sensory Service, therefore, in considering the options presented the financial consideration focuses on robust financial oversight rather than on financial savings. The commission remains £2.83 million.

8.0 Legal considerations

8.1 When commissioning new contracts for the procurement of goods, services or the execution of works, the Council must comply with the requirements of the public contracts regulations 2015 (PCR) and its own Contractual Procedure rules as set out in the Council's constitution. Failing which, any subsequent award of a contract may be subject to legal challenge from an aggrieved provider, the remedies of which include claims for damages or seeking to have the awarded contract set aside. Given the value of the commission, the procurement of the Sensory Service will be subject to the PCR, which sets out requirements and timescales which will need to be accounted for in the design of the competition and the procurement timetable. Any procurement process must be fair, open and transparent, with all bidders being treated equally, and bids must be assessed and scored against clear and relevant criteria.

8.2 As part of the procurement package of documents, the Council should provide its proposed draft contract for the delivery of the services. Legal Services can

provide support to colleagues with drafting the necessary documents, which should largely be based on the Council's standard terms, with bespoke drafting for this particular service. Once the preferred bidder has been identified, Legal Services can support with the process of agreeing the final contract.

- 8.3 The Transfer of Undertakings (Protection of Employment) 2006 regulations (TUPE) may apply to some or all of the staff under the current service provision, which transfer the existing employment contract terms of staff to the incoming provider (if this is a different organisation to the current provider). The TUPE regulations places obligations on the outgoing and incoming provider, including sharing employee liability information and consulting with staff.

9.0 Equal Opportunities

An Equality Impact Assessment has been completed.

10.0 Risk Management

Robust contract management will be in place to ensure that any risks are managed and to ensure the new provider delivers the outcomes described in the specification.

11.0 Recommendation

Recommendations are detailed at the front of this report.