**Liverpool City Region (LCR) Parent and Carer Forum**

Commissioning for Special Educational Needs and Disabilities (SEND)

An Information Booklet for Parents and Carers about Commissioning

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**Introduction**

The Liverpool City Region (LCR) is a combined authority region of England, centred on Liverpool, incorporating the local authority district boroughs of Halton, Knowsley, Sefton, St Helens, and Wirral. Commissioners from the LCR, work collaboratively and in partnership on many aspects of commissioning services for children and young people with special educational needs and disabilities (SEND) and their families.

This booklet was prepared by Commissioners and parents and carers from the 6 local authorities in the LCR. Its aim was to strengthen co-production by introducing and defining commissioning terms for parents and carers, to enable them to fully participate in forum meetings.

**Co-Production in Practice**

The North West Flexible Purchasing System (FPS) for SEND was developed for use by Commissioners across the North West of England to purchase non-maintained and independent special schools (NMISS). LCR Commissioners recognised an opportunity to co-produce with parents and carers, processes for referrals, quality assurance and contract management of the North West SEND FPS. This work stream will take place during academic years 2020-21 and 2021-22.

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**Co-production**

**What is co-production?**

* Local authorities should work with children and young people with SEND and their families to gain their views and feedback, when decisions are being made about their education, and services that they use or might use.
* This is so that local people feel that they have participated fully and have a sense of co-ownership of services where they live. This is often referred to as ‘co-production’.

**What is the pizza based analogy?**

* We like the ‘pizza based’ analogy to help people understand what co-production actually is.
* So, when making a pizza for a group of people, you would consider everybody in the decision making so as not to end up with a spicy pizza that Aunty Jane can’t eat, and nor would you just decide yourself based on what you think would go down well.
* Remember this pizza has to suit everybody. It may take a little longer, it may involve some differences of opinions, but the end result will be the very best for everyone eating that pizza.



* Throughout the pizza preparation everyone is respectful, treated as equals and consideration is given to other’s capacity to be involved.
* **TOGETHER** you choose:
	+ What kind of dough?
	+ What kind of crust? What toppings?
* **TOGETHER** you create through the design stage and you are collectively involved in the baking and then….
* **TOGETHER** you sit down and enjoy eating the delicious pizza.
* Clever right? Reflecting, after all the pizza has been eaten, maybe there is scope for suggestions as to how further pizzas will be made, lessons learnt identified and celebrations of the bits that went particularly well.

Other Resources:

<https://www.england.nhs.uk/participation/resources/co-production-resources/>

**The Commissioning Cycle**

**What is commissioning?**

* Commissioning is the process of planning and making available public services and support that meet the needs of children and young people with SEND and their families, and communities.

**What is the commissioning cycle?**

* The commissioning cycle contains four stages. It is called a cycle as it is an ongoing process.

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The four stages are:

1. Understand
2. Plan
3. Do
4. Review
5. **Understand**
* This stage of the cycle is focused on understanding the outcomes for children and young people with SEND and their families, the care and support needs that they have, and demand for local services.
* Commissioners will work with children and young people with SEND and their families, to understand the outcomes that they would like to achieve.
* Commissioners will look at what support and services are already available to meet children and young people with SEND and their families’ care and support needs to see if there is anything missing.
* Commissioners will look at how many people need the support or service now and in the future.
* Commissioners will talk to children and young people with SEND and their families, as well as professionals to gather everybody’s views so that services can meet their needs and wishes. Families have a lot of experience and can tell Commissioners which support, and services will make a positive difference to their lives.

 **Plan**

* Commissioners will look at the different ways of meeting people’s needs and outcomes.
* Commissioners will look at what other places across the country are doing to see what good practice is.
* Commissioners will talk to children and young people with SEND and their families, and professionals to make a plan on how to meet people’s needs and outcomes.
* The plan will look at:
* the money available for the support or service that is needed
* the staff that are needed to deliver it
* the places where the services will be delivered

**Do**

* This stage of the cycle is all about securing the support or services that are needed to meet needs and outcomes.
* Commissioners will search for providers who can best meet the needs and outcomes identified by children and young people with SEND and their families.
* Providers of support or services must show how they will achieve outcomes.
* Commissioners will award a contract to the provider who shows that they are best placed to deliver the services that best meet the needs and outcomes, in the most cost-effective way.
* A contract is a legal agreement and means that the provider is responsible for delivering the support or services that are needed to meet outcomes.
* Commissioners will regularly meet with the provider to look at how they are delivering the support or services. These meetings will help to make sure that the support or service is performing well.

**Review**

* This stage of the cycle is about reviewing the impact of the support or services being delivered by a provider.
* Findings from the review are used to improve future services.
* When reviewing the service, Commissioners will involve children and young people with SEND and their families, as well as other professionals to gather their feedback to see how satisfied they have been with the service offered and the impact that the service has had on their lives.
* This will help Commissioners to see if the service is delivering the agreed outcomes and can also help to highlight any good practice, whilst also showing what needs to be improved.
* When reviewing the service, Commissioners will look at whether they should re-commission a provider at the end of their contract or de-commission a provider if the service has been unsatisfactory or is no longer needed.

**Identifying Gaps in and Demand for Services for Children and Young People with SEND and their Families**

**What do we mean by identifying gaps and demand?**

* Commissioners must understand if there are missing or gaps in services that need to be provided for children and young people with SEND and their families, in the local area.
* If there are missing or gaps in services this means that not all the needs of the local area are being met.

**How do Commissioners find out what and where the gaps are?**

* Commissioners use data and evidence and look at how well current services are improving outcomes for children and young people with SEND and their families. This gives a picture of what’s working well, what needs to change and what is missing.
* The data Commissioners use include national and local research. This may be demographics or the study of the population based on things like age, gender, ethnicity and SEND. Trends are also analysed over time to spot the need for services in the future.
* Commissioners will also collect feedback from children and young people with SEND and their families about their views of current services and whether any improvements can be made.
* Commissioners will also listen to charities, community organisations and information, advice and guidance services, who support children and young people with SEND and their families, for their views.
* When Commissioners understand data, what’s working well and not working well, they can plan services and use resources where they are most needed.

**Procurement Law and Guidance**

**What is procurement?**

* Procurement is the process of obtaining services and goods to be delivered.
* Public procurement, for central and local government, is subject to a legal framework which encourages competition and value for money.
* Local authorities must follow the Public Contracts Regulations 2015 for any services that they are looking to external providers to deliver; this can be wide and varied, examples are: youth services, special school placements and road maintenance contracts.

**What is a service specification?**

* A service specification is a written document that sets out the aims and objectives of a service to be procured.
* It give details of how the service will be delivered, where and by whom.
* It gives clear outcomes for the service and how Commissioners will measure that it is meeting those outcomes.

**What is the process for procurement?**

* Any process of procurement must be clear and transparent and follow a set timetable.
* Information about the service required is published in a service specification and the criteria for award of a contract for services or goods must be clear.
* Applicants who want to deliver the service will submit information about what they can deliver, the price and include any other information requested, that is relevant to the service.
* For example, if a child or young people is assessed as needing an independent special school placement, information will be shared about the needs of the child or young person in order that the school can consider if they are a suitable setting.

**What does the Children and Families Act say?**

* Section 3 of the Children and Families Act (2014) and the Special Educational Needs and Disabilities Code of Practice: 0-25 Years goes into more detail about joint commissioning arrangements for children and young people with SEND and their families.

**What is joint commissioning?**

* The Children and Families Act explains that the local authority and its partners in education, health and social care must develop joint arrangements to work together.
* This joint working should be based on meeting local needs to improve outcomes in the most efficient, effective, equitable and sustainable way.
* The act is clear that partners must engage with children and young people with SEND and their families about how services and outcomes can be improved.

**Where can I find out more information about joint commissioning?**

* More information can be found within chapter 3 of the Code of Practice, ‘Working together across education, health and care for joint outcomes.’

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf>

**Contract Management, Quality Assurance and Decommissioning**

**What is a provider?**

* A provider is commissioned by the local authority to deliver a service that the local authority does not provide itself.
* A provider may be a specialist service like a care agency (commissioned to give parents a break from their caring responsibilities) or a school for children or young people with special educational needs and disabilities (SEND).

**What is a business case?**

* A report, usually prepared by a Commissioner, that identifies the need for and costs of a service, where there is a gap in the local authority’s service offer.
* It is reviewed and agreed by Finance, Legal Services and the Cabinet before any new services can be commissioned.

**What is a contract?**

* A contract is a written and signed agreement, detailing the costs and expectations of a provider, and the expectations described in the contract are enforceable by law.

**What is contract management?**

* Contract management includes developing relationships to understand which providers can offer the services that the local authority is looking to commission and how they will and can be developed to deliver those services, prior to and after a contract is awarded.

Contract management involves:

* Using data to understand the gaps in the local authority’s services
* Understanding the market and developing provider relationships to shape services
* Working with parents and other partners on co-produced plans
* Developing a business case for a new service

**What is quality assurance?**

* Quality assurance is the process of checking and monitoring performance to show how well a provider is delivering the service that has been commissioned. It is dependent on good, open relationships between the provider and the local authority.
* A quality assurance report is written after a quality assurance visit and is a record that the provider meets the standards to deliver a good service. If there are parts of the contract that they are not doing well, then this is recorded in an improvement plan and progress is checked regularly.

Quality assurance is:

* Asking the people, who use the service, for their feedback and experiences about the service
* Checking Ofsted and CQC inspection reports
* Meeting with the provider to ask them about their policies and practice
* Visiting their offices, centres or school and checking that everything is in good working order
* Checking that staff have the rights skills and experience and have had the right training
* Checking that the outcomes for children and young people with SEND and their families are good, that the local authority is getting value for money and has confidence in the provider’s service

**Decommissioning**

**What is decommissioning?**

* Decommissioning is the ending of a contract to deliver a service.

**Why does the local authority decommission services?**

* The local authority reviews services to make sure there are still good outcomes, it is fit for purpose and delivering the right service for the local area.
* By planning decommissioning carefully, new and improved services are developed to meet the changing need of children and young people with SEND and their families.

**North West Flexible Purchasing System for SEND 2021-2031**

* Between 2018 and 2020, 23 North West local authorities developed a SEND Flexible Purchasing System (FPS) to enable Commissioners to source non-maintained and independent special school placements, for children and young people with SEND.
* The leading local authority for this SEND FPS is Cheshire East; who undertook a range of consultation events, with children and young people with SEND and parents and carers, as well as local authorities, to understand if this system would be of benefit.

**What is a Flexible Purchasing System (FPS)?**

* A SEND FPS is essentially an electronic list of pre-approved schools who can offer services described in service specification and that meet the contractual agreement of the FPS.
* Post-16 settings will be able to join the SEN FPS later this year.

**What are the benefits of using a Flexible Purchasing System?**

* It opens up conversations with the market about what is needed.
* Local authorities have access to a larger group of schools.
* There are clear expectations and outcomes across the North West, so that high levels of quality is consistent.
* There is transparency of costs.
* Local authorities all use the same processes for placement referrals and contract management which makes it easier for providers dealing with lots of different local authorities.
* It allows local authorities to access services in a timelier manner; as the legal requirements for contracting with providers has already been carried out.
* A SEND FPS allows local authorities to invite additional providers at set times, to join the electronic system over time.

**How do providers get onto the FPS?**

* The leading local authority places an advertisement on a national website called **Pro Contract North**, used by local authorities for purchasing services.
* The advert will include the contract, service specification and a tender document for completion by providers.
* Providers must submit a full tender that meets the criteria in order to be accepted with details of their services and costs.
* A group of local authority Commissioners evaluate the tender submissions and check to ensure that the providers have in place the correct registrations, adequate insurance, appropriate policies and procedures, and a financial check is carried out.

Providers must meet the criteria as an organisation and must include the following for each school:

* Ofsted (or Scottish or Welsh equivalent) registration certificate
* Department for Education (DfE), or Scottish or Welsh equivalent, registration
* Most recent Ofsted judgement
* Statement of Purpose
* Overview of services provided, including how the provider will work with parents and ensure the voice of the learner is heard
* If a provider meets all the checks and passes the requirements of the tender, they are successfully added to the FPS.
* They are then invited to sign an overarching contract.
* The electronic list of providers is then shared with all 23 local authorities so that they can start to use the provider’s services.

**How do local authorities use or access a provider on the SEND FPS?**

* Local authorities will be able to use the electronic system to make either, individual placements, or block placements (buying a number of placements), for children and young people with SEND.
* They can do this by either sending out a referral to all providers on the system for the service they want to purchase, this is called a ‘mini competition’.
* Once responses from suppliers are received, the Local Authority evaluates them to make sure that the best choice is made that meets the needs of the child or young person.
* Or if it is in the best interests of a child or young person, the local authority can also make a direct award with a provider, i.e. choose 1 particular school and this may be due to its specialist offer.
* After a successful referral for a provision for a child or young person, the referring local authority will set up an Individual Placement Agreement which describes what will be delivered for each child or young person.

**How are providers checked after the initial tender submission?**

* Each year, the leading authority will make checks including the providers’ registrations and insurance.
* Each local authority will also carry out contract management and quality assurance monitoring to make sure providers are meeting agreed standards.

**What happens if a provider has chosen not to tender for the system?**

* Local Authorities can continue to purchase from providers who have decided not to join the SEND FPS, it just means that all of the legislation needs to be followed when making purchases.
* Each local authority will have their own procedures to make sure they are meeting the legal requirements, these processes are called ‘contract procedure rules.’
* If a provider already has a contract with the local authority and decided not to apply to join the FPS, the existing contract is not affected and those providers can continue to receive referrals from the local authority when seeking provision.

**Jargon buster of Commissioning Terms**

|  |  |
| --- | --- |
| **Business case** | A business case describes the need for and costs of a service, where there is a gap in the local authority’s service offer. |
| **Commissioning** | Commissioning is the process of planning and making available public services and support that meet the needs of children and young people with SEND and their families, and communities |
| **Commissioning cycle** | The commissioning cycle contains four stages. It is called a cycle as it is an ongoing process. The 4 stages are: understand, plan, do and review |
| **Contract** | A contract is a written and signed agreement, detailing the costs and expectations of a provider |
| **Contract management** | Contract management is developing provider relationships to understand which providers can offer the services that the Local authority is looking to commission and how they will deliver them prior to and after a contract is awarded |
| **Co-production** | Local authorities should work with children and young people with SEND and their families when decision are being made about their education, and services that they use or might use.This is so that local people feel they have participated fully and have a sense of co-ownership of services where they live. This is often referred to as ‘co-production’. |
| **Decommissioning** | Decommissioning is the ending of a contract to deliver a service. |
| **Demographics**  | Demographics is the study of the population based on things like age, gender, ethnicity and SEND. Trends are also analysed over time to spot the need for services in the future |
| **Gaps in services** | If there are missing or gaps in services this means that not all the needs of the local area are being met |
| **Procurement** | Procurement is the process of obtaining services and goods to be delivered.Public procurement for central and local government is subject to a legal framework which encourages competition and value for money. |
| **Provider** | A provider is commissioned by the local authority to deliver a service that the local authority does not provide themselves. |
| **Quality assurance** | Quality assurance is the process of checking and monitoring performance to show how well a provider is delivering the service that has been commissioned |
| **Service specification** | A service specification is a written document that sets out the aims and objectives of a service to be procured. It give details of how the service will be delivered, where and by whom. It gives clear outcomes for the service and how Commissioners will measure that it is meeting those outcomes. |