



IAS Service Commissioning Guidance

**Joint arrangements for the
provision of
Information, Advice and
Support Services
under the SEND Code 0-25**

Jan 2018

Foreword

Section 26 of the Children and Families Act 2014¹ places duties on local authorities and their partner commissioning bodies to make arrangements to **jointly** commission and secure provision for children and young people with special educational needs (SEN) or disability.

Chapter 3 of the Special Educational Needs and Disability Code of Practice 0-25² sets out these duties in detail and also describes good practice in developing and maintaining effective joint arrangements. The primary purpose of such joint arrangements is to improve outcomes for 0 to 25-year-old children and young people who have special educational needs or disabilities, including those with Education Health and Care (EHC) plans.

The duties placed on local authorities and their partner commissioning bodies include arrangements for considering and agreeing:

- “what advice and information is to be provided about education, health and care provision;
- by whom, to whom and how such advice and information is to be provided”³.

Chapter 2 of the SEND Code 0-25 focuses on the duty to provide information, advice and support to children, their parents, and young people with SEN or disabilities. The Code sets out how services should be commissioned and describes the kind of service that should be provided.

This guidance, published by the Information, Advice and Support Service Network⁴, has been funded by the Department for Education, and is intended to support local authority officers and senior staff in partner commissioning bodies to develop and review their joint arrangements in commissioning high quality, impartial Information, Advice and Support Services (IASS) in accordance with the relevant law and statutory guidance.

¹ http://www.legislation.gov.uk/ukpga/2014/6/pdfs/ukpga_20140006_en.pdf

² <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

³ Children and Families Act 2014, Section 23, (3) (d) and (e)

⁴ <https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network>

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Who is this guidance for?

This guidance is primarily intended to support local authority officers and senior staff in partner commissioning bodies who may have responsibility for developing joint arrangements to secure provision for children and young people who have special educational needs or disabilities, including those with Education Health and Care plans.

This may include:

Local authority commissioning officers

Strategic leads for SEND⁵

Health and Wellbeing Board members

Health Commissioners

Designated Medical Officers

Designated Clinical Officers

Parent Carer Forum members

Young People's Forum members

The guidance will also be relevant to Ofsted and Care Quality Commission joint local area SEND inspections.

What difference is this guidance intended to make?

Since the Children and Families Act 2014 came into force local authorities and their partner commissioning bodies have had a range of new responsibilities to develop joint arrangements to secure effective provision for children and young people with SEND. The provision of information, advice and support for children, their parents and young people is a specific responsibility that is additional to other information responsibilities and arrangements, such as the Local Offer.

In many local authority areas Information, Advice and Support Services (IASS) have been built on existing Parent Partnership Services, as advised in the SEND Code [2.4]. Alongside IASS the Department for Education directly funded the introduction of

⁵ This may be a local authority officer, or a senior staff member in a provider organisation that has responsibility to commission other services.

Independent Support (IS)⁶, a time-limited initiative designed to help parents and young people navigate through the new Education, Health and Care (EHC) planning process. IASS and IS are expected to work closely together to ensure that children, young people with SEN and disabilities and their parents have access to high quality, impartial information, advice and support.

Since the new legislation came into force some areas have begun to develop their joint arrangements to secure effective and impartial information advice and support. However, many local authorities and partner commissioning bodies have further work to do to meet their responsibilities in full. In publishing this guidance the IASS Network aims to:

- increase the number of joint arrangements between local authorities and partner commissioning bodies to provide IASS
- ensure that all IASS are arranged and commissioned in accordance with the law and statutory guidance
- support children and young people with SEN and disabilities, and their parents, to access impartial, relevant, accurate and up to date information, advice and support.

What is meant by joint arrangements?

A joint arrangement may be a formal agreement between a local authority, clinical commissioning group and any other relevant parties to commission the provision of impartial IASS for parents, children and young people. This may include a procurement or tendering process that is jointly managed and results in a contract with one or more service providers.

A joint arrangement may also take the form of an agreement between a local authority, clinical commissioning group and any other relevant parties to secure impartial IASS through in-house provision. It would be expected that such an arrangement would include a formal service level agreement that sets out what level of service the local authority, clinical commissioning group and other relevant parties require the service provider to deliver, what standards are expected and how the service is accountable.

In 2017 approximately 32% of IASS are outsourced, i.e. delivered by a third party provider following a procurement or tendering process. 66% of IASS are provided in-house, i.e. delivered by staff directly employed by the local authority. Just two IASS (less than 2%) are delivered through a combination of in-house and outsourced

⁶ <https://councilfordisabledchildren.org.uk/independent-support>

provision.

Currently, despite being over 3 years into the SEND reforms, very few IASS, whether outsourced, in-house or mixed are covered by a joint arrangement that has been formalised either through a procurement process or a service level agreement.

The SEND Code and joint arrangements for IASS

The SEND Code 0-25 is statutory guidance that applies to a range of bodies including:

- local authorities (education, social care and relevant housing and employment and other services)
- the governing bodies of schools, including non-maintained special schools
- the governing bodies of further education colleges and sixth form colleges
- the proprietors of academies (including free schools, University Technical colleges and Studio Schools)
- the management of pupil referral units
- the National Health Service Commissioning Board
- clinical commissioning groups (CCGs)
- NHS Trusts
- NHS Foundation Trusts
- Local Health Boards

[SEND Code iv]

The Code sets out what **must** and what 'should' be provided. Where the Code uses **must** this means that it is a legal requirement specified within the Children and Families Act 2014.

Where the Code uses 'should' it means *that "the guidance contained in the Code **must** be considered and that those who **must** have regard to it will be expected to explain any departure from it"*

[SEND Code i]

The Principles of the SEND Code are set out in Chapter 1; the following extract describes the need for joint arrangements:

*"When carrying out their statutory duties under the Children and Families Act 2014, local authorities **must** do so with a view to making sure that services work together where this promotes children and*

*young people's well-being or improves the quality of special educational provision (Section 25 of the Children and Families Act 2014). Local authorities **must** work with one another to assess local needs. Looking authorities and health bodies **must** have arrangements in place to plan and commission education, health and social care services jointly for children and young people with SEN or disabilities (Section 26).*

[SEND Code 1.23]

Chapter 3 of the SEND Code describes in detail how education, health and care are expected to work together for joint outcomes for 0-25 year old children and young people with SEN or disabilities.

In particular section 3.12 of the Code states:

*"Local joint commissioning arrangements **must** consider:*

- what advice, information and support is to be provided about education, health and care provision for those who have SEN or are disabled and by whom it is to be provided*
- how complaints about education, health and social care provision can be made and are dealt with, and*
- procedures for ensuring that disagreements between local authorities and CCGs (and NHS England for specialist services) are resolved as quickly as possible"*

[SEND Code 3.12]

Chapter 2 of the SEND Code describes in detail what information, advice and support local authorities **must** and should provide for children, young people and parents covering SEN, disability, health and social care. While every section of this chapter is relevant to any joint arrangement, it is of particular note that:

*"The joint arrangements that local authorities and Clinical Commissioning Groups **must** have for commissioning education, health and care provision for children and young people with SEN or disabilities **must** include arrangements for considering and agreeing what information and advice about education, health care provision is to be provided. These joint arrangements should consider the availability of other information services in their area (services such as youth services, Local HealthWatch, the Patient Advice and Liaison Service (PALS) and the Family Information Service) and how the services will work together."*

[SEND Code 2.7]

It should be noted that the law requires that local authorities and clinical commissioning groups **must** have joint arrangements and these **must** include consideration and agreement regarding what

information and advice is to be provided. However, it does not mean that information, advice and support has to be commissioned externally. It is perfectly lawful for such services to be provided by the local authority. The principles and standards that apply to IASS are the same whether the service is provided in-house or outsourced.

When local authorities, clinical commissioning groups and other relevant parties consider what information, advice and support will be provided to children, young people and parents with SEN and disabilities they must have regard to the SEND Code and Chapter 2 details what **must** and should be provided.

In addition it is strongly recommended that they should also have regard to the *Quality Standards for Services providing impartial Information, Advice and Support*, published by the Council for Disabled Children, and supported by the Department for Education⁷. Based on law and guidance, these Quality Standards set out a framework to support the legal compliance across all aspects of an IAS Service's makeup, practices and ongoing work.

What factors should be considered when making a joint arrangement for the provision of information, advice and support?

Chapter 2 of the SEND Code sets out in detail the duties that rest on local authorities to ensure that information, advice and support is available to children and young people with SEN and disabilities, and their parents. The Code describes how such services should be provided (2.4), the principles that should be taken into account (2.8), who information, advice and support should be available to (2.9 – 2.16), and what services should be provided (2.17 – 2.23).

When local authorities, clinical commissioning groups and other relevant partner organisations are setting up or reviewing a joint arrangement it is important to consider:

1. Who are the key stakeholders in any joint arrangement or commissioning process?

SEND Code 3.18 – 3.19, 3.29

At a strategic level local authorities and clinical commissioning groups should be the key stakeholders in any joint arrangement.

⁷ <https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/resources/ias-services-quality-standards>

Children, parents and young people (including local Parent Carer Forums and Youth Forums) should be consulted about the information, advice and support service that may be developed or reviewed as part of a joint arrangement.

Other key stakeholders may include Designated Medical/Clinical Officers, school and college representatives and local community and voluntary sector providers of information and advice for parents, children and young people.

A further consideration may be whether there is potential for collaboration across local authority boundaries. Some providers (both in-house and outsourced) already offer IASS to two or more local authorities as part of a joint arrangement between local authorities. This may offer economies of scale and improve service range or viability – especially where services may otherwise be very small.

In many local authorities and clinical commissioning groups specialist commissioning and/or contracting teams will need to be consulted and involved in setting up a joint arrangement.

2. What needs analysis has been carried out?

SEND Code 3.20 – 3.24 and 3.32 – 3.30

IASS Quality Standards 1.1, 1.4 and 3.2

The importance of a needs analysis is set out in Chapter 3 of the SEND Code.

All local authorities and clinical commissioning groups will have access to a wide range of data on the incidence of SEN and disabilities in the area, including the number of EHC Needs Assessments and plans. This data may be used to estimate the number of families who may need to use IASS at some stage. However not every child, young person or parent will have the same need for information or advice or for similar levels of support.

Further sources of information that may inform a thorough needs analysis include:

Existing **Information, Advice and Support Services** and other providers of advice and support locally – who should be able to report on previous patterns of service use, the nature of interventions requested by service users and unmet or changing needs.

Parent Carer and Youth Forums – who should be able to consult with parents and young people in the local area about their needs for impartial information, advice and support.

Schools, colleges, and pre-school providers – who may be able to advise on the needs of children, young people and their parents for IASS.

Other providers such as Child and Adolescent Mental Health Services, Speech and Language Therapy, Community Paediatrics etc will also be a potential source of information on the need for impartial information, advice and support from those users of their services that have SEN and disabilities.

3. What kind of service model should be implemented?

SEND Code 2.8

IASS Quality Standards 1.1, 1.2, 3.3, 4.2, 5.2

The vast majority of Information, Advice and Support Services have built on the Parent Partnership Services that existed under the previous SEN Code.

There are 3 models of service organisation for IASS. These are:

In-house

The service is provided by the local authority, with staff employed directly by the local authority (except for any volunteers).

Outsourced

The service is commissioned by the local authority from a third party provider. IASS staff are employed by the outsourced provider.

Mixed

The service includes both in-house and outsourced provision (e.g. a part-time IASS Officer employed by the local authority who has responsibility for liaison with an independent provider).

In 2017 approximately 66% of IASS are provided in-house, with 32% being outsourced. Only 2% of services are a mix of in-house and outsourced.

When making a joint arrangement local authorities and the

relevant partners should consider which model may be most appropriate. The SEND Code states that information, advice and support should be impartial and provided at arm's length [SEND Code 2.8]; this is also a requirement of the Quality Standards for IASS [QS 1.1, 1.2, 3.3, 4.2, 5.2]. These requirements apply equally to in-house, outsourced and mixed services. The evidence is that over 95% of IAS Service users rate the service they receive as neutral, fair and unbiased, regardless of where or with whom the service is based⁸. It should also be noted that there is no evidence that outsourcing an IASS makes it any more effective or impartial. The greatest factor in the impact of a service is the levels of staffing and resources provided by the LA.

As well as fulfilling the requirements of the SEND Code it is important that an outsourced service should be a discrete and separate service within the host organisation, with its own clear identity and branding, data base, and confidentiality procedures in accordance with the Quality Standards for IASS.

Another variation between IASS is the extent to which they make use of volunteers, either in a casework role or for other purposes. It should be noted that the use of volunteers is **not** an alternative to a properly established service, and a careful analysis of the potential costs and benefits of using volunteers is essential. The IASS Network has published a report⁹ on the use of volunteers; this includes detailed guidance on the kind of role volunteers can play and on the issues that should always be considered.

As described in Section 1 above, there may be potential for collaboration across local authority and/or clinical commissioning group boundaries in order to enhance service range or viability and/or achieve economies of scale.

4. What budget is available/required?

SEND Code 2.5, 2.17

IASS Quality Standards 1.2

The joint arrangement should specify what budget is available, how it is provided (e.g. which parties contribute) and the accountability for expenditure.

⁸ <https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/resources/iassn-service-user-feedback-report-2017>

⁹ <https://councilfordisabledchildren.org.uk/sites/default/files/field/attachemnt/IAS%20%E2%80%93%20a%20role%20for%20volunteers%20REPORT%20f1.pdf>

The budget should also reflect what **must** and should be provided, and a needs analysis (see Section 2 above) should underpin the budget setting process.

In order to evidence that Quality Standard 1.2 is met the budget should be delegated and ring fenced.

Careful consideration should be given to service viability; in particular any planning needs to make clear how a service with a low level of staffing can provide the range and consistency of support that should be available.

5. How will co-ownership and co-production be achieved?

SEND Code 2.6 and 4.9

IASS Quality Standards 1.1, 1.3, 1.4

The principles of co-ownership and co-production with service users are embedded into the SEND Code and should therefore be reflected in a joint arrangement. This means that children, young people and parents should be involved in the design or commissioning of services and in the ongoing monitoring and review of their impact.

6. How will the Local Offer duties be met?

SEND Code 4.59 – 4.61

IASS Quality Standards 1.1, 2.1, 3.1, 3.4

The SEND Code requires that the local offer **must** provide information for parents and young people about where to get information and advice. In addition local authorities and clinical commissioning groups **must** ensure they publicise the availability of information and advice and opportunities to participate in strategic decision making.

A joint arrangement should consider how these duties are met, including the responsibilities of the parties to do so.

7. What are the intended outcomes of the services to be provided?

SEND Code 3.31 – 3.34, 3.43

IASS Quality Standards pages 12-16

The SEND Code defines outcomes as ‘the benefit or difference made to an individual as a result on an intervention....’
[SEND Code 3.31].

A joint arrangement should specify the intended outcomes of the service to be provided, and how the extent to which outcomes are achieved will be assessed.

Effective information, advice and support should result in service users being able to navigate SEND processes, participate in decision making, and, where necessary, challenge service providers to ensure that the needs of children and young people with SEN and disabilities are identified, assessed, provided for and reviewed in accordance with the Children and Families Act 2014 and the SEND Code.

The Quality Standards for IASS set out 5 main types of outcome assessment, and for each of the 20 Quality Standards recommends which types of outcome assessment should be used.

In support of the Quality Standards the IASS Network recommends that every IASS seek service user feedback using a minimum of 6 standardised questions. This data is then collated and shared annually¹⁰.

8. What will the service specification describe?

SEND Code 2.8 – 2.23

IASS Quality Standards 1.1

A critical aspect of the joint arrangement will be the service specification. Where a service is outsourced this will be part of the tendering process. For in-house services a Service Level Agreement should set out what information, advice and support is to be provided, to whom, how this will be done and what monitoring and reporting arrangements will apply.

The IASS Network recommends that all IASS should use the Quality Standards for IASS to drive service improvement, secure the delivery of high quality impartial information, advice and support that meets the needs of parents, children and young people in the local area, and to monitor and evaluate the effectiveness of the service provided. The IASS Network expects

¹⁰ <https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/resources/iassn-service-user-feedback-report-2017>

all IASS to report on the Quality Standards Assessment Framework at least every two years in order to monitor the extent to which the Quality Standards are met.

In addition the IASS Network requests that all IASS participate in the national collection and sharing of data on funding and staffing, the extent to which the Quality Standards are met, service user feedback and the type of interventions carried out.

The service specification that forms part of a joint arrangement should therefore set out the expectations on an IASS to use the Quality Standards and to participate in national data collection.

9. `How will service users' confidentiality be protected?

SEND Code 2.5, 2.8, 2.13, 2.15

IASS Quality Standards 4.1

The SEND Code and the Quality Standards state that IASS should provide a confidential service to all service users. A clear confidentiality policy is therefore essential.

If, as part of a commissioning process, a service moves from one provider to another it is very important that clear arrangements are in place for the transfer of information in accordance with data protection protocols. The data held by the existing IASS must be

either

sent to the new provider with the informed consent of each relevant service user (parent, child or young person)

or

returned to the relevant service user. The existing IASS file should then be deleted

or

if the current provider is not able to contact the relevant service user, or the service user does not provide consent for data to be transferred, then the records should be destroyed.

10. What monitoring and reporting arrangements will be required?

SEND Code 3.25, 3.29

IASS Quality Standards 1.3 – 1.4

A joint arrangement should define its scope and duration and specify, where relevant, the duration of a contract and whether or not it is possible to extend that contract.

An essential requirement of any contract or service level agreement should be for the service provider to have clear and robust arrangements for monitoring and reporting.

Part of the evidence required to meet the Quality Standards for IASS is that there should be a clear management structure with service user involvement in an advisory or steering group and that the IASS should publish an Annual Report.

In addition the IASS Network requests that all IASS participate in the national collection and sharing of data on funding and staffing, the extent to which the Quality Standards are met, service user feedback and the type of interventions carried out.

The way forward

The IASS Network recommends that all local authorities and clinical commissioning groups use the Self Audit Tool shown in Appendix A to review their current arrangements to secure high quality, impartial information, advice and support for children and young people with SEN and disabilities and their parents. Local authorities and clinical commissioning groups may use this guidance to develop their joint arrangements as required under the Children and Families Act 2014 and the SEND Code.

The IASS Network welcomes examples of joint arrangements for the provision of IASS that could be shared with others. These can be sent to iassn@ncb.org.uk

Appendix A – Self Audit Tool

1. Do you have a joint arrangement to commission and/or deliver IASS?

YES NO

2. Which organisations are signatories to the joint arrangement?

Local authority (education)

Clinical Commissioning Group

Local authority (social care)

Other*

*Please specify

3. Who are the leads for each organisation that are signatories to the joint agreement?

[If no joint arrangement is in place you can use this section to list who the signatories should be]

	Name	Role
Local authority (education)		
Clinical Commissioning Group		
Local authority (social care)		
Other		

4. Has a needs analysis for the provision of information, advice and support been carried out and the findings jointly agreed?

YES NO

5. Which organisations provide funding for the IASS?

Amount per year

Local authority (education)

Clinical Commissioning Group

Local authority (social care)

Other*

*Please specify for each organisation

6. Are representatives of the organisations that are signatories to the joint arrangement members of the IASS Advisory or Steering Group?

YES NO

If YES, who?

Name	Role
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7. Are IASS and/or IASS service users represented on local strategic groups?

YES NO

If YES, which groups?

8. Have outcomes for IASS been identified as part of the joint agreement?

YES NO

9. Is there an agreed service specification and/or service level agreement (SLA) in place?

YES NO

Date of specification/SLA

Duration of specification/SLA

Value of service specification/SLAper annum

Service specification/SLA includes requirement to meet Quality Standards for IASS

YES NO

10. Have monitoring and reporting arrangements been agreed and included in the service specification/SLA as part of the joint agreement?

YES NO

Appendix B – Working Group Membership

This guidance was developed by a small working group convened by the IASS Network.

Representing

Chris Boxall	Worcestershire IASS
Sue Brealey	Devon IASS
Sherann Hillman	National Network of Parent Carer Forums
Jackie Fielder	Bath and North East Somerset IASS
Alison Woodiwiss	Bath and North East Somerset
Nick Knapman	
Chris Rees	IASS Network
Daisy Russell	IASS Network

