

## Leeds Portage Service Future – TUPE to LCC

Date: 16 March 2023

Report of: Learning Inclusion Service

Report to: Director of Children and Families

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

### Brief summary

Portage provides early education support for children with substantial developmental delay; these are children who will require, in most cases, lifelong additional support as the result of complex learning and health needs.

Leeds City Council (LCC) has delivered a Portage service for more than 20 years, in partnership with the voluntary sector, more latterly via a competitive procurement exercise.

In late 2019, the Children's Commissioning Team undertook an options appraisal to determine whether current commissioning arrangements continue to deliver a high-quality service in line with the Authority's core value of 'spending money wisely'.

The options appraisal was considered and approved by the head of Learning Inclusion to proceed with the identified preferred option: take advantage of the final contract extension with a view to bringing the service in-house at the end of the contract period.

### Recommendations

The Director of Children and Families is recommended to:

- a) Take the decision to continue to deliver a Portage Service.
- b) Confirm it remains the preferred option to bring the Portage Service in-house.
- c) Authorise the TUPE of appropriate Portage Service staff from Barnardo's, the current commissioned portage provider, to Leeds City Council Learning Inclusion Services for completion by the end of the contract period on the 1 May 2023.
- d) The end of the Portage Service contract with Barnardos on the 30<sup>th</sup> April 2023 and TUPE the Portage Service into Leeds City Council on 1<sup>st</sup> May 2023.

## What is this report about?

- 1 Portage is our offer to those children and young people with severe to profound learning needs, identified at birth or in the very early years before entering education. The service provides guidance and resources for families and supports the transition to education outside of the home.

Recommendation 1: Take the decision to continue to deliver a Portage Service.

Following, the options appraisal, it was the view that the service would be better delivered as an integrated, in-house part of the Learning Inclusion Service

Recommendation 2: Confirm it remains the preferred option to bring the Portage Service in-house.

Providing an in-house Portage Service will require that we TUPE the Barnardo's staff currently delivering the service.

Recommendation 3: Authorise the TUPE staff from Barnardo's, the current commissioned portage provider, to Leeds City Council Learning Inclusion Services by the end of the contract period.

Continuing to provide a Portage Service is important to identifying and meeting special educational needs in the early life of the child.

## What impact will this proposal have?

- 2 The Portage Service will continue as an integrated part of the learning inclusion offer: providing support for some of the most vulnerable children and families, continuing long standing partnership work with our NHS colleagues.

## How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing       Inclusive Growth       Zero Carbon

- 3 The Portage Service supports the Leeds Inclusive Growth Strategy, the Children and Young People's Plan and the SEND and Inclusion Strategy.
- 4 Continuing to provide the service while integrating portage into our Learning Inclusion Offer will provide service offer parity for learning disabled children. An in-house service will align the portage offer with the service offer to deaf and visually impaired children, who are also primarily identified at birth or in the very early years before entering education, by NHS colleagues.

## What consultation and engagement has taken place?

Wards affected: All wards, the service is city-wide

Have ward members been consulted?       Yes       No

- 5 Barnardos who are currently delivering the Portage Service are aware of the stated intention not to re-tender for the service and the proposed TUPE of the appropriate staff to Leeds City Council. A formal consultation meeting has now taken place with the Barnardos Portage staff in line with the TUPE protocol and individual TUPE meetings have been held with Barnardos staff

assigned to the TUPE transfer. There were initially 9 posts assigned by Barnardos to TUPE transfer to Leeds City Council. After consultation only 7 posts will be transferring to Leeds City Council on the 1<sup>st</sup> May 2023.

- 6 There has been no ward member consultation as the service wish to continue providing a service, one we have delivered for more than twenty years. We propose returning to a model of direct delivery rather than continue to commission the service. The trade unions have been consulted with regard to the proposed TUPE and two of the trade unions attended the formal TUPE consultation meeting at Barnardos.

### What are the resource implications?

- 7 The annual service cost is within the budget allocation. The current contract amount is slightly more than the cost of delivering the service in-house. There is no substantial financial difference. The current contract is funded through DSG High Needs Block (HNB) funding. The staff transferring to Leeds City Council will also be funded through HNB.

**See table below of proposed TUPE staffing and costings:**

Job title	Weekly Hours	FTE Salary	Conditions of Service	Percentage Involvement	Basic On transfer	Total Including Oncosts
Project Worker 1	16	£24,266.00	Permanent	100%	£10,805	£12,758
Project Worker 3	14.5	£35,062.00	Permanent	100%	£14,053	£16,970
Project Worker 1	37	£23,400.00	Permanent	100%	£23,712	£29,498
Project Worker 1	20	£23,400.00	Permanent	100%	£12,961	£15,554
Project Worker 3	28.5	£37,960.00	Permanent	100%	£29,551	£37,072
Project Worker 1	37	£23,400.00	Permanent	100%	£23,712	£29,498
Administrator	21	£23,227.00	Permanent	100%	£13,495	£16,247
				<b>Total</b>	<b>£128,289</b>	<b>£157,598</b>

Barnardos staff are paid an Office at Home allowance of £312 per annum (pro rata).

### What are the key risks and how are they being managed?

- 8 The key risk is a break in service delivery.

Portage is a year-round service with no predictable peaks or troughs. Children are identified based on assessments at birth or in the very early years. Referrals come through our NHS colleagues as developmental delay becomes evident.

Families need support and reassurance that their child's needs will be met as well as support to adapt their interaction with their child and maximise early learning and development.

It is proposed that the Portage Service will join the Early Years SEND team in the Learning Inclusion Service supporting children when they access education outside of the home. This placement will increase the resilience and flexibility of the service.

No other home visiting provision exists for this cohort of children, except for the generic Health Visitor service. Children will have a minimum of 50% delay in 2 areas of learning and referrals generally come through Community Paediatricians or self-referral. The service delivers a pre-school learning education offer and targeted support for vulnerable families where there has been an early identification of issues.

### **What are the legal implications?**

9 The current contract expires on 30th April 2023. The final contract extension has been exercised. Portage is not a statutory service. However, it is one that many local authorities currently deliver as a preventative model. Accreditation for delivery of a Portage Service is via the National Portage Association (NPA), which provides the service with a quality framework and affiliation to a professional body.

Offering a portage service supports us to meet our duties under the Equality Act 2010, as well as the Children and Families Act 2014. Withdrawing the service might invite legal challenge.

### **Options, timescales and measuring success**

#### **What other options were considered?**

10 In late 2019, the Children's Commissioning Team was asked by the Chief Officer (Learning Inclusion) to support the SEN Inclusion Team (SENIT) with the undertaking of an options appraisal to determine whether current commissioning arrangements continue to deliver a high quality service in line with the Authority's core value of 'spending money wisely'.

There were no significant savings to be made.

There were challenges with service delivery at the beginning of the contractual arrangement with Barnardo's. However, several revisions to their Key Performance Indicators have supported changes in service delivery and resulted in improved outcomes for families, reduced waiting list times, and aligned third sector delivery along with Leeds Inclusion Service priorities.

#### **How will success be measured?**

11 Uninterrupted service provision: measured against the key performance indicators of the commissioned service, alongside a commitment to zero waitlist by one year post transfer.

#### **What is the timetable and who will be responsible for implementation?**

12 The Head of Learning Inclusion will be responsible for implementation. This will be carried out with support from managers within the service, commissioning and human resources.

The current contract expires on 30th April 2023 and so any alternative or complementary arrangements will need to be sufficiently established before this date to enable necessary procurement and contract processes to be completed.

13 Future arrangements for this provision need to be implemented within sufficient timescales for decisions to be communicated to stakeholders.

The agency currently delivering the Portage Service is aware of the stated intention not to re-tender for the service and has provided a completed workforce information proforma.

## **Background papers**

- Options Appraisal Portage June 2021
- Portage Business Case July 2022
- Equality, Diversity, Cohesion and Integration Impact Assessment July 2022