

# Expression of interest

# Title: Evaluation of a trial extension of SEND Tribunal powers

**Project reference: 2017/052**

**Deadline for expressions of interest: 5pm on 13 October 2017**

## Summary

Expressions of interest are sought for a multi-mode process and perception evaluation of a two year national trial to extend the powers of the First-tier Tribunal SEND (the Tribunal) to make non-binding recommendations about health and social care aspects of EHC plans alongside educational aspects.

## Background

Part 3 of the Children and Families Act 2014, which came into force on 1 September 2014, made important changes to the system of support for children and young people who have special educational needs or a disability (SEND), including statutory assessments and statements being replaced by Education, Health and Care (EHC) needs assessments and plans.

The reforms implement a new approach which seeks to join up help across education, health and care, from birth to 25, and ensure children and young people’s needs are identified early, with children and young people with SEND and their parents or carers fully involved in decisions about their support and what they want to achieve, with a strong focus on outcomes.

It also introduced a system of mediation for disagreements between parents or young people and the local authority (LA) about EHC needs assessments or plans and a requirement for LAs to make disagreement resolution services available to parents and young people for disagreements about any aspect of SEND provision.

The Tribunal hears families’ appeals against decisions made by LAs in England in relation to the *education* element of children and young people’s EHC assessment and plans. The Tribunal, however, cannot rule on the *health* and *social care* elements of assessments and plans; there are separate complaint processes for these that families can use. During the development of the Children and Families Act 2014, Government considered whether the Tribunal should rule on the *health* and *social care* sections to take a more holistic view of the needs of the child/young person and reduce burdens on parents who may need to access three separate routes of redress.

The Government tried out (‘piloted’) what effect it would have if the Tribunal were given the power to consider, on the application of the parent or young person, the health and social care provisions of the plan and to make non-binding recommendations where appropriate. The pilot was undertaken on a voluntary basis in 17 local areas between June 2015 and August 2016, and was evaluated as part of a wider review of the effectiveness of all SEND disagreement resolution processes. The review and government response to the review, published in March 2017, can be found [here](https://www.gov.uk/government/publications/send-disagreement-resolution-arrangements-in-england-review).

The evaluation provided some qualitative evidence that extended powers resolved the health and social care issues presented to the Tribunal and led to some improvements in joint working between the education, health and social care teams. There was also support in principle for the pilot as almost all interviewed stakeholders thought the pilot was a sensible approach given the development of the holistic EHC plan. However, the small number of cases that resulted from the pilot and small number of recommendations made by Tribunal to health or social care agencies (30 cases with 11 decisions in total) meant that there was an insufficient amount of data to assess whether the policy should be rolled out nationally.

In response to the wider review of disagreement resolution published in March 2017, the government committed to a two-year national trial in early 2018 that, like the pilot, will extend the powers of the Tribunal so that they can make non-binding recommendations on the health and social care aspects of EHC assessments and plans. The national scale of the trial, and the extended timeframe, will enable collection of considerably more evidence on a higher volume of cases than the previous study.

## Evaluation aims

In order for the Department to make a decision on roll-out at the end of the trial, the evaluation will:

* assess whether the extended powers were implemented as intended and whether they are deliverable and sustainable;
* test processes/user-satisfaction and assess whether any changes to the process or policy need to be made;
* provide indicative evidence on impact on children and young people with SEND and on commissioners and services;
* assess any wider implications for the health and care sectors and the broader SEND system; and
* review whether there are lessons for improving the SEND system to prevent and resolve disagreements.

We suggest that the study addresses the following main research questions:

1. What is the perceived effect of Tribunal powers being extended on:
   1. Children’s and young people’s health and social care outcomes and needs?
   2. The process for families and commissioners?
   3. The broader SEND system for services and commissioners?
2. What additional costs are associated with the trial for:
   1. LAs, CCGs and the Tribunal for organising and running the trial?
   2. LAs, CCGs, the Tribunal and appellants for preparing and attending a hearing?
   3. Local education, health and social care services and to families regarding implementation of the recommendations?
3. What is the evidence that the trial represented good value?
4. Was the trial implemented as intended and are there any wider lessons for improving the system?

## Methodology

We are proposing a process and perception evaluation that will gather evidence on the implementation and effectiveness of the trial. The design and content of the evaluation will be co-produced with DfE policy experts and an external steering group. Contractors are invited to propose the most suitable study design, however, it is suggested that this uses a combination of quantitative and qualitative methods and includes the following:

* A survey of appellants passing through the trial - appellants should be contacted as soon as possible after the conclusion of their appeal, and again at a determined period, to be invited to complete a survey either online or via phone.
* Multi-method, multi-agency case studies – the contractor should undertake qualitative research (eg face-to-face and telephone interviews, and multi-agency focus groups) in 10 to 15 local case study areas.
* Cost case studies – The cost to both public services and families will need to be estimated in order to understand the extent of additional financial requirements the trial may present.
* National LA and CCG survey - The contractor should set up an online national survey for education, health and social care commissioners to fill in at the point of appeal asking them how much time and resource they had committed in preparing for and attending trial Tribunal cases. We hope that this national survey will provide a quantitative sample of cost data to analyse alongside the more detailed cost evidence collected through qualitative case studies.
* Statistical analysis of management information (MI) data collected by the Tribunal – analysis of pertinent data on appeals collected by the Tribunal during the trial.
* Measuring case flow in traditional health and social care redress routes – this could involve, for example, analysis of existing MI that relevant organisations might hold on volume of cases pre and post-trial or professional opinion sought in case study interviews.
* Analysis of a sample of response to recommendations letters – the contractor should collect the response to recommendation letters from health and social care commissioners to enable an analysis of why recommendations were/were not followed.
* An analysis drawing on all data sources to support a decision on making the trial permanent - researcher will synthesise the evidence collected above to support a decision on roll-out.

Because the proposal is to run a national pilot, there will not be a control group, which means that we do not expect the study to provide a full impact evaluation with cost benefit analysis. The purpose of the research is to deliver evidence on the process and perceptions of implementation as set out in the evaluation aims above.

We expect applicants who are invited to submit a full tender to include advice on the most appropriate and cost-effective methodologies.

## Timing

The national trial is expected to start in March 2018 and is due to finish in March 2020. We expect a final report from the evaluators in summer 2020 and a provisional report in September 2019 following one year of trial data.

The tendering process will follow the timetable below:

* Deadline for return of EOIs to the Department – 13 October 2017 (10 days)
* Invitations to Tender issued – 23 October 2017
* Deadline for bids to be submitted to the Department – 10 November 2017 (15 days)
* Contract signed – by 15 December 2017

## Assessment criteria

Expressions of interest will be assessed against the following criteria:

* Capacity to develop an appropriate methodology that offers value for money and to conduct the necessary fieldwork, analysis and reporting to the timelines indicated
* Evidence of experience of the methodologies to be used for the process evaluation and a successful track record in project management skills and delivering to tight timescales
* Evidence of experience in delivering a clear report with real practical applications
* Understanding of SEND policy and practice, and the department’s requirements

| **Closing date for EOIs: 5pm on 13 October 2017**  **Send your EOI form to:** [**Contracts2018-19.SEND@education.gov.uk**](mailto:Contracts2018-19.SEND@education.gov.uk)  **EOI word limit - 1000 words** |
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## How to submit an expression of interest

You must submit an expression of interest (EOI) in order to be considered to be invited to tender. To do so, please complete the Expression of Interest Research template found on the Department’s research website. A submission of an EOI does not guarantee an invitation to tender and the Department does not routinely advise organisations that they have not been successful in being invited to tender. Feedback is however available on request.

In order to express an interest you must be registered with us and you will need your ID number. If you need to register then please do so using the online supplier registration form. If you have already registered and have forgotten your ID number, please send an email to [Enquiries.RBU@education.gov.uk](mailto:Enquiries.RBU@education.gov.uk)

All contracts are let on the basis of the [Department’s Terms and Conditions](https://www.gov.uk/government/publications/eoi-guide). You are encouraged to check these before submitting your expression of interest, as these form part of your contractual obligations.

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