

Independent Supporters
A Memorandum of Understanding between
Barnardo's
and
Lancashire County Council, including Parent Partnership

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1. FOREWORD

The Children and Families Bill received Royal Assent on 13th March and the Act introduced a number of changes to the way disabled children and young people and those with special educational needs (SEN) receive support.

The Children and Families Act 2014 has put in place the provision of Independent Supporters in 152 Local Authorities across England to support parents and children and young people during the Education, Health and Care (EHC) assessment and planning process, which becomes a statutory obligation from 1st September 2014.

The key changes for children, young people and their parents/carers include:

- Giving parents and young people control over the decisions about the support they are given.
- The introduction of Education, Health and Care (EHC) plans to replace Statements.
- For parents and young people to have the option of a personal budget for working towards the outcomes in their EHC plans.

- A requirement on local authorities to provide a local offer which will include the education, health and care services.

In the revised Code of Practice¹, Independent Support is referenced in the following paragraphs:

2.20 *Families may receive help from an **independent supporter**, provided by private voluntary and community sector organisations, who is independent of the local authority. Independent supporters will be recruited locally and receive accredited training, including legal training, to help any family going through an EHC assessment and the process of developing an EHC plan. Local authorities should work with organisations that are providing **independent supporters** to ensure there are arrangements agreed locally to offer help from an independent supporter to as many families as possible who request it.*

9.29 *Local authorities must provide all parents, children and young people with impartial information, advice and support in relation to SEN to enable them to take part effectively in the assessment and planning process. This will include the EHC needs assessment process, EHC plans and Personal Budgets (including the take-up and ongoing management of direct payments). This should include information on key working and **independent supporters** as appropriate. (See Chapter 2 for more information.)*

The Council for Disabled Children has responsibility to commission this service, on behalf of the DfE, and has completed the commissioning process. CDC welcomed bids from organisations who could deliver an Independent Support Service across more than one local authority area or across a region, demonstrating cost benefits. Barnardo's has considerable experience in the North West and nationally, in delivering services to children and young people with a disability, and working closely and collaboratively with their parents/carers, and is also committed to working with other providers of similar services to pool skills and resources. This is the reason that Barnardo's, PSS, and Together Trust formed a Partnership to deliver the Independent Supporters Service across the North West, building on the existing links of each organisation with Local Authorities, and the skills set needed.

¹https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/342440/SEND_Code_of_Practice_approved_by_Parliament_29.07.14.pdf

This memorandum of understanding is between Barnardo's and Lancashire County Council, Parent Partnership Service/Information, Advice and Support Service, Lancashire Parent Carer Forum and any other local delivery partners as appropriate.

Barnardo's will work with and complement pre-existing local services. This includes any Lancashire County Council SEN arrangements that currently exist, and Parent Partnership Services in their key role in providing impartial information, advice and guidance.

2. What are the services provided?

Barnardo's will provide an Independent Supporters Service which will:

- a) Identify, appoint and manage an agreed number of Independent Supporters in Lancashire who will be deployed from 1st September 2014.
- b) Foster and maintain good working relationships with Lancashire County Council, Parent Partnership Service/Information Advice and Support Services, Lancashire Parent Carer Forum and other local relevant service providers, so resulting in the agreed local referral protocol contained within this memorandum of understanding, in order to ensure that parents and young people are signposted to, have information about, and can access Independent Supporters from 1st September 2014 onwards.
- c) Ensure that the number of Independent Supporters recruited in Lancashire reflect local need, based on the information available on special educational needs (SEN) and other related local or regional information.
- d) Ensure that all appointed Independent Supporters undertake local or regional training that has been developed by the Council for Disabled Children and for delivery by Early Support Regional Facilitators from August 2014 onwards.
- e) As specified, produce concise, accurate, data rich, management information that sets out activities against Key Performance Indicators and service outcomes.

3. Skill set and experience of Barnardo's Independent Supporters

- a) A clear and in depth understanding of the SEN and Disability reforms as outlined in the Children and Families Act 2014² and the links to Local Government priorities.

²<https://www.gov.uk/government/news/landmark-children-and-families-act-2014-gains-royal-assent>

- b) Experience of recruiting, training, developing and managing staff and teams that deliver services in the sector.
- c) Appropriate experience and a strong track record in providing a service to parents and young people that has led to positive outcomes and improved life chances, including experience of working with vulnerable and hard to reach families and/or young people.
- d) Experience of producing accurate and timely management information and a willingness to use the template that has been provided by CDC during the contracts negotiation period.
- e) Experience of successfully negotiating with senior leaders in Local Authorities, such as senior management, partner services and sector specialists.
- f) Confidence and skill in giving advice, brokering support, skills sharing and coaching, challenging and problem-solving, and a proven ability to challenge and deliver hard messages.
- g) Ability to work well with other delivery partners and organisations.

4. Joint Statement of Intent

This memorandum sets out the requirement for the Independent Supporters Service and the commitment between Barnardo's and Lancashire County Council to provide the service, taking into account the needs within the Local Authority boundaries. It is based on a shared set of aims about how we can deliver this service for children and young people, parents and carers in a way that ensures their needs are met within the commissioned provision of Independent Support. It is our joint intention to ensure that all children, young people, parents and carers are supported to achieve an Education and Health and Care Plan which meets their needs. This refers both to new plans and to those produced through transition. We will achieve this within the resources available through the commissioned service and through the specification outlined in the Children and Families Act 2014.

5. Key Aims and Outcomes

Our main aim is to support children, young people, parents and carers through the provision of an Independent Supporter who is independent of the Local Authority. The service will help any family in Lancashire going through an EHC assessment and the process of developing an EHC plan. The service will be provided to 20% of children and young people with Statements or Learning Disability

Assessments and parents/carers living in the Lancashire County Council area.

6. Independent Supporters: A Shared Understanding

The nature and duration of Independent Support to parents and young people will be time limited, task orientated and based on individual need, but it will be provided with the primary purpose of supporting the parent or young person during the EHC assessment and planning process, with the intention of:

- Focusing on the main task of helping to transfer a statement into an EHC plan.
- Helping the parent or young person understand the Local Offer.
- Acting as a named contact person for the parent or young person throughout the assessment and planning process.
- Liaising across a range of agencies with the parent or young person to help gather the information required for an EHC plan.
- Providing information to parents and young people on personal budgets.
- Supporting the parent or young person in contributing to an EHC plan that is then ready to be signed off by a designated professional who has been previously agreed as part of the local referral protocol process.
- Signposting parents and young people to Parent Partnership Services or local Information Advice and Support (IAS) services, when the issue is outside the remit of an Independent Supporter.

Independent Supporters will be recruited locally and receive accredited training, including legal training. This will enable them to help any family who is going through the process of assessment for and development of an EHC Plan, who is considered to need an independent supporter, and who has been referred to the service through the agreed referral protocol. The Independent Supporter roles will be made up of paid and voluntary personnel, and Social Work Students, but all will be appropriately trained and have the necessary skill sets to carry out the role.

The Independent Supporters role will be complimentary and part of the overall provision of support to children young people, parents and carers, and this memorandum, along with the referral protocol, details the criteria for the support.

The Independent Supporters service provided by Barnardo's sees children, young people, parents and carers as having the knowledge and expertise with regards to their needs. Professionals across all sectors must include them in shaping the personalised responses that best suit their needs within the whole family, person centred approach adopted.

7. Multi-Agency Strategy

As outlined in the revised Code of Practice and the Children and Families Act 2014, this service will work with Lancashire County Council and a number of partners including Parent Partnership, Lancashire Parent Carer Forum, schools and any other local providers identified. Barnardo's recognises and is committed to this multi agency working and it forms an important and necessary part of this Memorandum of Understanding.

8. Referral Protocol

1. The service will be offered for children and young people, parents and carers who are being supported through the Education, Health and Care Plan process.
2. Contact details of the service will be available to all agencies involved in implementing the SEND reforms and leading on producing Education, Health and Care Plans.
3. The service is provided on the principle that a young person can give consent if they are of an age and understanding to be able to do that independently.
4. The service will be advertised on the Local Offer website and through Lancashire County Council, Parent Partnership/Information Advice and Support Service (IASS) and Lancashire Parent Carer Forum as well as through the partnership and other sources of information in education, health and social care. POWAR, Lancashire County Councils Young People's Disability Council, will also signpost young people to the service.
5. Where support is required the child/young person and a parent/carer will be informed that the Independent Supporter's service will be available according to the criteria and capacity of the commissioned service*.

6. Referrals can be made by any professional who is working with the family towards achieving a child or young person's Education, Health and Care Plan, or by a relevant body such as Parent Partnership Service/IASS which recognises the need for independent support.
7. Referrals can be made by phone or email and initial information will be recorded at this stage.
8. Any self referrals will be considered if consent is given for Independent Support to liaise with relevant professionals.
9. When the referral is received it will be reviewed within the Education, Health and Care Plan Pathway and allocated to an Independent Supporter who will make contact with the child/young person or parent/carer within 7 days to arrange a meeting.
10. A support agreement will be completed and clear outcomes set which will be reviewed.
11. The Independent Supporter will work in partnership with the Local Authority to achieve a successful Education, Health and Care Plan.
12. The Independent Supporter will liaise with the family and with the Education, Health and Care Plan Co-ordinator or EHC plan Facilitator to ensure a coordinated and person centred approach to achieving a plan which reflects the child or young person's needs and wishes and those of their parent/carer where applicable.
13. Independent Supporter records will be completed in line with relevant policies and procedures.
14. If the issues are outside the remit of the Independent Supporter Service signposting will be made to Parent Partnership/IASS or independent mediation and resolution services.
15. The Independent Supporter will arrange to meet the child/young person or parent/carer at home, school or another venue. There they will:
 - (1) Explain the Independent Supporter service.
 - (2) Gain written consent – (a) to Independent Support, (b) to data storage (Data Protection consent).

(3) Provide (a) a service leaflet (b) a copy of the support agreement and (c) any other relevant documentation.

** The service has been commissioned to deliver to a minimum of 20% of all children and young people currently identified in each local authority as needing an education, health and care plan*

9. Equalities & Diversity

This Memorandum of Understanding applies in all situations irrespective of age, disability, gender/transgender, race, cultural or religious beliefs and sexual orientation. Barnardo's, Lancashire County Council are committed to the Equality Act 2010. Barnardo's - Barnardo's, PSS, Together Trust – have appropriate policies and procedures in place concerned with Equality and Diversity and provide effective training to all staff. Barnardo's will work with Lancashire County Council to meet the diverse needs of the children/young people and parents/carers within its boundaries. Barnardo's will ensure that appropriate people are readily available to provide advice on such matters and will actively endeavour to eliminate discrimination, harassment and victimisation

10. Safeguarding

Barnardo's accepts a joint responsibility to work in partnership with Lancashire County Council to respond to any child or young person who is suffering, or likely to suffer, significant harm, and to protect them from this harm. We will ensure discharge of our responsibilities in ways that focus on working together, early intervention and prevention, that reflect practice guidance and that do not stigmatise families.

We will:

- State clearly the responsibilities that staff have, under local safeguarding children procedures, to make referrals where children are considered to be suffering or are likely to suffer significant harm, and emphasise the principle that safeguarding is everyone's business.
- Ensure that relevant staff in all sectors have undertaken appropriate training in recognising harm, reporting concerns about a child's welfare and safety, and confirming in writing, within 48 hours, the referrals that they have made to children's social care.
- Ensure awareness of safeguarding adults' policy and practice, the ability to recognise and respond to safeguarding adults' concerns, and promote

confidence and consistency by staff across all agencies in using local multi-agency procedures.

11. Communication Barriers

Language

When considering translation services we will consult with families as to who could fill this role appropriately. Where possible bi-lingual advocates will be used and account taken of any relevant factors around gender or locality.

Communication

Independent Supporters will be appropriately trained to be able to engage children and young people with a range of methods including sign language, Makaton and PECS. Independent Supporters will also have a clear understanding of the social communication issues which exist for these children and young people.

Information Sharing

Barnardo's agree that effective and timely information sharing between our own agencies and with our partners is critical to the provision of early intervention and preventative work, to support transitions, and for safeguarding and promoting the welfare of children and young people.

We will ensure that all agencies sign up to a joint Code of Practice which sets out our commitment. We will:

- Ask for permission to collect and share information and, where there is a choice as to whether or not to provide us with information, we will make it as easy as possible to exercise that choice.
- Explain what we are using the information for and only use it for those purposes.
- Explain who will see it and limit access to the information only to staff who need it.
- Only ask for the information we need and not ask for information which is not relevant to the purpose of our service.
- Keep all personal information as accurate and up-to-date as possible through regular input.
- Respect rights under the Data Protection Act 1988 including the right of an individual to see all personal information which has been recorded about them.
- Protect information with the highest possible standards of security and confidentiality.
- Inform about where to obtain further information about Data Protection including:
 1. How we safeguard personal information

2. How to check and correct any information we hold
 3. How to raise a query or complaint
- Only keep information for as long as it is needed, and explain our reasons when we need to keep personal records for some time after we have stopped providing a service. This is usually so that we can resume a service at a later date if needed.

12. Audit and Assurance

We will put in place arrangements for periodic audit and the provision of reasonable assurance to Lancashire County Council, partners, children and young people and their families and the community on how the service works in specific areas or as a whole.

These audit arrangements will be located within Barnardo's, as well as Lancashire County Council processes, for the management of risk and provision of reasonable assurance. The information arising from these audits will be used to inform performance priorities for the development and delivery of the key processes and outcomes that the memorandum has been designed to help secure.

- Signing off the MoU.
- Ensuring that we communicate progress.
- As specified, produce concise, accurate, data rich, management information setting out activities against key performance indicators and service outcomes.
- More specifically, ensuring that we listen and respond to the views of children, young people, parents and carers who live in the Lancashire County Council area.

13. Resolving Disagreements

11.6 *Local authorities must make disagreement resolution services available to parents and young people. Use of the disagreement resolution services is voluntary and has to be with the agreement of all parties. The service, while commissioned by it, must be independent of the local authority – no one who is directly employed by a local authority can provide disagreement resolution services. Parents and young people can also access informal support in resolving disagreements through the local impartial information, advice and support service and, between 2014 and 2016, with the help of independent supporters.*

We intend to reduce the risk of disagreements by:

- Ensuring that staff are appropriately trained and supported in understanding and in the exercising of joint and separate responsibilities towards children and young people, and their parents and carers.
- Being as clear as we can about our joint and separate responsibilities.
- Ensuring children, young people, parents and carers have access to information and services to support them in the exercise of their rights.
- Ensuring that effective arrangements for consultation, communication and feedback to children, young people, parents and carers are available and acted upon.

Wherever possible, disagreements should be resolved quickly and at service level. Where disagreements arise at an operational level the issue will be escalated to the nominated senior managers of Barnardo's (Assistant Director for Lancashire Locality) and the Local Authority (Head of Inclusion and Disability Support Service). Where the nominated senior managers fail to reach agreement, disagreements will be considered and resolved by the next tier of Senior Management.

The following principle will inform action and decision-making should disputes arise:

- Disagreements about responsibilities must not leave the needs of family members unmet because they appear to fall between internal administrative boundaries.

14. Commencement, Publication, Variation and Review

The commencement date for this memorandum of understanding is 1st September 2014. The review date is 31 March 2015 and at an agreed period or where an issue arises. Variations may be agreed to reflect changing legislative, policy and local requirements, and evidence of what works best for those receiving the Independent Supporters Service.

This MoU will be promoted through the Lancashire County Council website, the Local Offer, and through all services who work with potential users of the Independent Supporters Service.