

**Divisions Affected – N/A**

**CABINET**

**19 November 2024**

**Educational Psychology Assessment Service**

**Report by Director of Children’s Services**

**RECOMMENDATION**

The Cabinet is **RECOMMENDED** to:

- a) **Approve Oxfordshire County Council (“the Council”) joining appropriate single supplier framework agreements set up by external organisations to enable the Council access to call off contracts with the supplier/s for Educational Psychology services.**
- b) **Approve the Council entering call-off contracts under such framework agreements in November/December 2024 and for a budgetary commitment for a period of 3 years.**

**Executive Summary**

This report is to obtain approval, as per the Council’s Scheme of Delegation and Contract Procedure Rules, to join appropriate Framework/s to provide Educational Psychology Services (EPS), to meet the needs of the local authority for the provision of high-quality Educational Psychologists.

Educational Psychology assessments and reports are required for children and young people who are being assessed for an Education, Health and Care assessment under the Children and Families Act 2014. The Code of Practice January 2015 Section 9.49 states the local authority must take into account the views, wishes and feelings of such children and young people.

The proposal is that Oxfordshire County Council (OCC) would enter into call-off contracts under Framework Agreement/s with the Service Provider/s for the provision of EPS. This is to provide statutory assessment advice to the local authority as part of the Education, Health and Care needs assessment (EHCNA) process and complete statutory assessments and reviews/reassessments within designated time scales, with immediate effect. The service from the framework provider will ensure management and co-ordination of Educational Psychologists (EPs) and support the existing OCC

Education Health & Care Plan (EHCP) timeliness and Quality Assurance Process that is in place.

The Providers for the frameworks are specialist health, social care and education recruitment agencies and recruit EPs for placements nationwide. The provider will ensure there are qualified and experienced EPs, with the knowledge and expertise to provide high quality advice that includes clear outcomes to carry out the required number of statutory assessments for OCC within set deadlines.

The Supplier Framework/s will meet the needs of the local authority to support and complete statutory Education, Health and Care needs assessments and reviews/reassessments.

Special Education Needs & Disability (SEND) in Oxfordshire are subject to a Local Area SEND Priority Action Plan and timelessness of EHCP statutory processes are a priority.

The Frameworks will allow Oxfordshire County Council to make efficiencies (where able to) to the cost EP assessments, and ensure we are paying a competitive rate in a challenging national market, where there is a shortage of available EPs. The proposal is to access the framework/s for up to three years as from December 2024.

Access to single supplier framework agreements will allow OCC to place an order (Direct Award) without the need for further competition. This will ensure accordance with the councils Contract Procedure Rules and Financial Procedure rules.

By joining the recommended Framework/s, this provides OCC the flexibility to access EPs to support and complement the in-house EPS both in the short, medium and long term. This will allow OCC to increase capacity to deliver EHCNAs advice reports, which should reduce the backlog and improve timeliness

1. **Exempt Information**
2. Exemption reason - Information relating to the financial or business affairs of any particular person (including the authority holding that information).
3. The public should therefore be excluded during consideration of Annex A because its discussion in public would be likely to lead to the disclosure to members of the public present of information in the following category

prescribed by Part I of Schedule 12A to the Local Government Act 1972 (as amended):

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information),

and since it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

#### 4. **Background and Local Context**

5. This paper outlines the proposal for Oxfordshire County Council to enter into Framework Agreement/s with the Service Provider/s for the provision of Educational Psychology Services. This is to provide statutory assessment advice to the local authority as part of the Education, Health and Care needs assessment process.
6. Educational Psychology assessments and reports are required for children and young people who are being assessed for an Education, Health and Care assessment under the Children and Families Act 2014.
7. The Code of Practice January 2015 Section 9.49 states the local authority must take into account the views, wishes and feelings of such children and young people. A decision not to educate a child or young person in a mainstream setting against the wishes of the child's parent or the young person should not be taken lightly. It is important that all decisions are taken on the basis of the circumstances of each case and in consultation with the parents or young person, taking account of the child or young person's views. Local authorities should consider reasonable steps that can be taken for mainstream schools and mainstream post-16 institutions generally to provide for children and young people with SEN and disabled children and young people
8. The demand for EHCNAs have significantly increased, once agreed the advice must be completed within a six-week statutory deadline. Capacity of the inhouse EPS is limited and this impact on the reduction of the current backlog of EHCNA of circa 200, which also impacts on OCC's timeliness figure.
9. The Providers for the frameworks are specialist health, social care and education recruitment agencies and recruit EPs for placements nationwide. The provider will ensure there are qualified and experienced EPs with the knowledge and expertise to provide high quality advice that includes clear outcomes to carry out the required number of statutory assessments for OCC within set deadlines.
10. Most children and young people with Special Educational Needs (SEN) or disabilities will have their needs met within local mainstream early years settings, school or colleges. Some children and young people may require an EHCNA for the local authority to decide whether it is necessary to make provision in accordance with an EHC plan.

11. Access to a single supplier framework will enable OCC to meet the statutory requirements. The Single Supplier Framework/s will meet the needs of the local authority with the accesses to high-quality EPs. This is to support and complete statutory assessments and reviews/reassessments in accordance with the template provided by OCC and within designated time scales.
12. **Local Context**
13. Special Education Needs & Disability (SEND) in Oxfordshire are subject to a Local Area SEND Priority Action Plan and timelessness and quality of EHCP statutory processes are a priority.
14. The Council's EPS is made up of a small team of Educational Psychologists, senior EPs, trainee EPs and Assistant EPs. The Service Delivery Model includes traded services (consisting of traded EP days bought by settings, and training and supervision programmes) and statutory work, which consists mainly of providing psychological advice reports for Education, Health and Care Needs assessments, and SEND Tribunals. The EPS also provides a response to Critical Incidents affecting school on behalf of the council (e.g. death of child or young person).
15. Due to the increase in the number of EHCPs required, the inhouse service has been unable to meet the increased statutory workload since 2019. This is replicated across other local authorities and is a national picture. EHCNA are expected to continue to increase in OCC as is the national trend.
16. To support the in-house EPS, OCC has been using an out of contract route with an agency provider since 2021. There was a formal procurement of the original contract to support a 200-assessment back log in 2018/2019, for what was meant to be an initial three-month period. This was carried out through a Statement of Works with Comensura in 2021.
17. The agency provider currently co-ordinates the supply of EPs and the allocation of work to individual agency EPs and makes the necessary arrangements for assessments to take place on behalf of OCC and works with OCC to ensure the information and processes are in place to for the allocation of assessments. The standard and quality of assessments are monitored via OCC's robust QA processes.
18. Alongside an in-house EP workforce strategy that will continue to develop the workforce against an ever-increasing shortage of EPs, we have identified accessing the identified frameworks will enable OCC to access additional EPs to meet the increasing demand and provide the assessments in an effective and timely manner.
19. By joining the recommended Framework/s, provides OCC the flexibility to access EPs to support and complement the in-house EPS both in the short, medium and long term. This will allow OCC to increase capacity to deliver EHCNAs advice reports, which should reduce the backlog and improve timeliness.

20. **Priorities**

- 21. The use of a Framework/s, incorporates key priorities set out in the Council's Strategic Plan, as below:
- 22. Priorities of the Strategic Plan 2023-2025.
  - Priority 2 – Tackle inequalities in Oxfordshire.
  - Priority 3 – Prioritise the health and wellbeing of residents.
  - Priority 7 – Create opportunities for children and young people to reach their full potential.

23. **Strategic Objectives**

- 24. In the provision of this Service, the Provider will ensure individual outcomes for each child are available and is able to demonstrate the impact of the Service in delivering outcomes to improve the lives of children, young people and their families.
- 25. The Service provided will also meet the following outcomes from the Oxfordshire Local Areas Special Educational Needs and Disability Strategy 2022-2027

<p><b>Strategic Objective 1</b> Improving outcomes for children with SEND</p>	<p>We want the Local Area to be equipped to effectively secure high-quality outcomes for children with SEND. High quality services that are accessed in a timely manner and at the earliest opportunity have a significant impact on outcomes for children and lay the foundations for better life chances.</p>
<p><b>Strategic Objective 2</b> Developing a continuum of local provision to meet the requirements of children and young people with SEND</p>	<p>There is a range of provision for children with SEND in Oxfordshire. It is essential that we develop more local provision so that more children have their holistic needs met within their own communities.</p>
<p><b>Strategic Objective 3</b> Good physical and mental health and wellbeing</p>	<p>We want healthy, happy children and young people who enjoy life. We will work in partnership with children and young people and their families to improve access to both the universal and specialised services they need.</p>
<p><b>Strategic Objective 4</b> Improving post-16 education, learning, employment, and training</p>	<p>All young people will have access to high quality provision in education, training, work experience, apprenticeships and study programmes that support them into meaningful, paid employment and provide them with skills for independent or supported living.</p>

<p><b>Strategic Objective 5</b> Positive move into adulthood for young people with SEND</p>	<p>All young people with SEND and their families should have a positive experience of moving into adulthood. We want young people with SEND to develop the skills, knowledge and confidence to have choice and control over their adult lives</p>
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26. **Financial Case**

27. Budget – Potential OCC Costs over 3 years

28. It is challenging to cost out the future service for OCC as this will be reliant on several factors e.g. the number of EHC Plans that maybe required. OCC and other Local Authorities are expecting the number of EHC Plans to increase significantly over the lifetime of the contract, and therefore the number of assessments required is also expected to increase.

29. Predicted Growth of EP assessments in the next three years.

Year	2024-25	2025-26	2026-27
EP assessments required (forecasted)	1861	2420	3146
*30% increase in requests for EHC needs assessments seen 23-24			

30. Modelling and the potential budget required on the expected number of EHCNAs required for 24/25, 25/26 and 26/27 have taken place, and can be seen in Annex A.

31. By joining the frameworks, provides OCC with an opportunity to flex the number of assessments purchased. However, investment is required if OCC wants to reduce the assessment backlog by utilising the current fixed price from framework provider to contribute to reducing our backlog.

32. TUPE will not apply

Comments checked by: Jane Billington, Strategic Finance Business Partner

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33. **Legal Implications**

34. The statutory powers of the Council to provide these services under the Children and Families Act 2014 are set out at paragraphs 6 and 7 above.

35. Legal Services have confirmed that the proposal to procure the services through the use of external framework agreements in accordance with the Council’s Contract Procedure Rules creates no unusual legal implications nor risks. Risks

that have been identified specifically in relation to the proposed framework agreements have been included in the risk and mitigations log set out in section 53 below.

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### 37. Staff Implications

38. There are no new or additional implications and staff resource is included in the project.

### 39. Equality & Inclusion Implication

#### 40. Positive Impacts

41. Children with SEND will be able to access support faster, as there will be sufficient EPs available to complete the required number of assessments to meet need.

42. The proposal does not discriminate disadvantaged disabled children and young people in Oxfordshire.

### 43. Risk Management

44. As part of the review process, see below a summary of the Risk and Mitigations in place

	Risk	Impact 0-5	Likelihood	Mitigation
1	Budget	5	medium	Budget implications included
2.	Call off contracts T&Cs not meeting OCC needs	5	low	Review of T&Cs will be completed and adapted to ensure we are compliant legally, and to ensure they meet our requirements
3	Framework 1 - no detailed pricing set out in the framework agreement itself. Risk therefore of a potential procurement challenge due to lack of transparency and subject to procurement challenge	5	low	The framework agreement is a single supplier framework, and any aggrieved bidder will have had the opportunity to challenge at the time of award of the framework. Any challenger likely to be time barred from bringing a claim.
4	Framework 1 - Contractual risk for the provider liability is 125% of the price payable in the year the liability arises, which is low.	5	medium	Provider has offered to increase level to 200% of the price payable in the year the liability arises. This is approximately £2.8m so may be acceptable. Insurance team to advise with T&Cs to be agreed, and risk of not being agreed is low.
5.	Framework 2 – Term of framework has been increased from 60 months to 78 months. Such extension was not allowed for in original procurement documents. Risk therefore of procurement challenge on the grounds of unlawful modification	5	low	Procuring organisation published a modification notice justifying the change so any aggrieved bidder would have been on notice of such modification. Any challenger now likely to be time barred from bringing a claim.
6	Performance issues	3	low	KPIs will be in place and the completion of EHC assessments will also be managed by the

