

From: Sue Chandler, Cabinet Member for Integrated Children's Services

Matt Dunkley CBE, Corporate Director of Children, Young People and Education

To: Children's and Young People's Cabinet Committee - 18 November 2020

Subject: Educational Psychology – increased capacity of assessments

Decision Number and Title – 20/00107 Educational Psychology – increased capacity of assessments

Key Decision – for the reasons that:

- *It affects more than 2 Electoral Divisions*
- *It involves expenditure or savings of maximum £1m – including if over several phases*

Classification: Unrestricted report. Appendix 1 - Exempt item - Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended, refers.

Past Pathway of report: N/a

Future Pathway of report: Cabinet Member Decision

Electoral Division: All

Summary: To award a contract (or contracts) to a third-party provider to deliver Educational Psychology Assessments on behalf of the Council.

Recommendation(s):

The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Integrated Children's Services on the proposed decision to

(i) award a contract (or contracts) in order to deliver Educational Psychology Assessments on behalf of Kent County Council to support the reduction of waiting times for the service,

(ii) Delegate authority to the Corporate Director for Children, Young People and Education, in consultation with the Cabinet Member for Integrated Children's Services, to take relevant actions, as necessary to implement this decision.

1. Introduction

- 1.1 Special Educational Needs and Disabilities (SEND) services in Kent are subject to a Written Statement of Action (WSOA) following an inspection of services in January 2019 which identified weaknesses in nine key areas. One of those areas was the ability of the service to deliver Education, Health and Care Plans (EHCPs) in a timely manner and to an agreed quality. In July 2020, the figures indicated that only 29% of EHCPs were delivered in line with statutory timescales. One of the key reasons for this failure has been the exponential increase in numbers of requests over recent years linked to the inability of the Education Psychology Service (EPS) to provide enough assessments in a timely manner
- 1.2 The Council is seeking the provision of high-quality locum support to complete statutory assessments in accordance with the template provided by the local authority and within designated timescales. Ongoing support to the service will be provided, through the award of a contract to a third-party provider, to significantly reduce the likelihood of a future backlog or lengthy waiting times.

2. Body of the report

- 2.1 There has been a dramatic rise in statutory assessment requests in Kent and subsequently the Educational Psychology Service (EPS) has dramatically increased the levels of statutory advice produced annually.
 - Between April 2014 – March 2015 the EPS produced 904 statutory assessment reports.
 - Between April 2019 – March 2020 the EPS produced 1680 pieces of statutory assessment report.
 - This is equal to an **86% increase**.
- 2.2 This has meant that the EPS has had to focus work towards statutory assessments and away from traded and preventative work, have greater use of locum/agency staff continuously improve and innovate on how statutory assessments are undertaken.
- 2.3 Despite this, the number of statutory assessments initiated per month has exceeded the capacity of the Educational Psychology Service to respond in a timely manner to Education, Health and Care Plan Needs Assessment requests.
- 2.4 Data shows that for the academic year April 2019 – March 2020 the EPS were only able to submit on average 5% of reports within statutory time scales (excluding EPA letters) which has created a 'backlog' of statutory assessments to be allocated to an Educational Psychologist to complete. The number on this 'backlog' list has been growing significantly since 2017. Figures show that on the 6th April 2017 there were 38 cases 'unallocated'. By the beginning of April 2018 this had grown to 626 cases 'unallocated'. Between April 2018 and March 2020 this figure fluctuated, but rarely dropped down below 500 cases.
- 2.5 One of the key areas of weakness identified in the inspection of the SEND services in January 2019 was the ability of the service to deliver EHCPs in a timely manner and to an agreed quality. This is the current focus for the Service.

- 2.6 A range of actions have been implemented to address the backlog and introduce a sustainable plan to ensure that statutory assessments are completed in a timely way.
1. Reducing demand into the service by supporting robust decision making and building on the work with schools to support inclusion and offer preventative services
 2. Developing a stepped approach to EHC assessment requests rather than a one size fits all approach where EPs are able to tailor their advice in different formats depending on the amount of prior information that is already available.
 3. Increasing capacity by continuing to recruit EPs to the service and expanding the pool of locums via existing recruitment frameworks (Connect2Kent and the Crown Commercial Services Framework) along with contracting with provider (s) to deliver the services through a third party provider.
- 2.7 This report is to support the decision needed to award the contract to a third-party provider. Following some market engagement and extensive discussions with the EPS and the SEN service, a tender was issued on 6 October 2020 for providers to bid for an opportunity to provide high-quality locum support to complete statutory assessments in accordance with the template provided by the local authority and within designated timescales. There is also a requirement to supply Educational Psychology locum provision for review or reassessment as allocated.
- 2.8 The procurement timetable is shown below. The intention is to contract with a third-party provider to coordinate, allocate and undertake assessments, quality assure and return within the required timescales and to the required quality standards. Locum Psychologists must have the required qualifications, current DBS checks and be able to deliver face to face assessments, where safe and legal to do so in light of the Covid-19 restrictions.
- 2.9 At the time of writing, the outcome of the tender is unknown. The Award Report is presented as an Exempt item - Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended, refers.
- 2.10

Procurement Stage	New Date
PIN Published for EOIs	19/08/2020
PIN Closes	26/10/2020
ITT Issued	06/10/2020
ITT Deadline	27/10/2020
Evaluation and Moderation Begins	28/10/2020
Evaluation and Moderation Ends	05/11/2020
Contract Award Notification	09/11/2020
Standstill Begins	09/11/2020
Standstill Ends	20/11/2020
Provider Planning Meeting	w/c 23/11/2020
Contract Start Date	01/12/2020

3 Financial Implications

- 3.1 In order to increase capacity of Educational Psychology Assessments and with the use of existing and new directly employed Psychologists, access to the locums and delivery of the provider, the capacity is expected to flex from the contracted provider as the backlog reduces and comes more in line of expected levels of demand. The contract is for the delivery of between 40 and 100 assessments per month and the expected budget is between £480k and £1.4m per annum with the contract term being one year with a one-year extension. The Key Decision is therefore on the maximum spend value of £2.8m.

4 Legal implications

- 4.1 The local authority has a statutory obligation to complete assessments (EHCPs) in a 20-week timeframe. As an authority we are in a number of cases failing in this duty, impacted by the capacity of the EP Service. Establishing a contract seeks to address this.
- 4.2 In 2019 Ofsted and the CQC undertook a joint inspection of Kent's SEND offer and how this is implemented across the county. The inspection identified the following
- The Fragmented system means that too many children and young people with SEND do not get the support they need
 - Families experience a high level of confusion about what support is available. Resulting in the belief that an EHCP is essential to ensure their child's needs are met.
 - Kent does not yet successfully prioritise the needs of children and young people with SEND.
 - Children and young people with SEND experience unacceptable inequality when accessing services in Kent

5 Equalities implications

- 5.1 An Equalities Impact Assessment has been completed and identified no high negative impacts and the following positive impacts were identified:

An increase in the total number of assessments available to meet the needs of young people who are in need of an Educational Psychology assessment who may/may not be SEN; A reduced wait to access support which may be dependent on the completion of an assessment; Young people and their families will be supported to achieve and will have their wellbeing positively impacted as a result of receiving an assessment service in a more timely manner.

Whilst by its nature the service will exclude those who do not fulfil these criteria, the choice of these restrictions is justified, and any other protected groups are not affected as demonstrated in the attached as appendix 2

6 Other corporate implications

6.1 A Data Protection Impact Assessment is in development.

7 Governance

7.1 The Educational Psychology Service is positioned in the SEND and Disabled Children and Young Peoples division in the Children, Young People and Education Directorate.

7.2 Following the Cabinet Member decision being taken, and as set out in Council's Scheme of Delegation, the contract will be awarded by the Interim Director of Special Educational Needs and Disabilities (SEND).

8 Conclusions

8.1 In order to reduce the backlog and waiting times for the completion of EHCPs, and in-line with the direction from the SEND WSOA Improvement Board, Strategic Commissioning has supported the EPS in sourcing additional resource.

8.2 The tender process has followed the requirements of the Public Contracts Regulation 2015 and the outcome will be reported at the meeting of 18 November 2020.

8.3 Whilst it is recognised that this has been an expedited process, it is necessary to ensure compliance to legislation, Spending the Council's money and, most importantly, Children are receiving the assessments and support in a timely manner.

9. Recommendation(s):

The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Integrated Children's Services on the proposed decision to

(i) award a contract (or contracts) in order to deliver Educational Psychology Assessments on behalf of Kent County Council to support the reduction of waiting times for the service,

(ii) Delegate authority to the Corporate Director for Children, Young People and Education, in consultation with the Cabinet Member for Integrated Children's Services, to take relevant actions, as necessary to implement this decision.

10. Background Documents

None

11. Contact details

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