

DECISION-MAKER Director of Children's Services	DATE 1 February 2023
TITLE Direct Award Report for Provision of Educational Psychology Locum agencies	WARD (S) All
CHIEF OFFICER Director of Children's Services	CABINET MEMBER Children & Young People
DECISION CLASSIFICATION Key Decision – published on forward plan 03/01/2023 Subject to call-in Non-Exempt report	IS THE FINAL DECISION ON THE RECOMMENDATIONS IN THIS REPORT TO BE MADE AT THIS MEETING? Yes

1. **Decision required**

This report makes the following recommendations to the decision-maker:

- 1.1 To approve a direct award of contracts to Provident Recruitment Limited t/a Psychology People (Registered in England 07513358) and also Sanctuary Personnel (Registered in England 05972910) for the provision of Locum Educational Psychologists in accordance with Contract Standing Order 23.1 where tendering under Standing Orders 15, 18 and 19 produced no tenders or inappropriate tenders.
- 1.2 To note the projected contract value for each of the organisations over the 3-year period starting on 01/02/2023 is as follows:

Name of organisation	Number of assessments	Total costs for 3-year period
Provident Recruitment Limited (company number 07513358)	240 assessments per year at £1229.50 per assessment	£295,080 per year. Total cost £885,240.00 Inclusive of vat @ 20% £1,062,288.00
Sanctuary Personnel (company number 05972910)	240 assessments per year	£421,794 per year. Total cost £1,265,382.00 Inclusive of vat @ 20% £1,518,458.40

- Provident Recruitment Limited – This cost does not include QA or admin support.
- Sanctuary Personnel – This cost is for a managed service which includes provision of EP team to complete 20 statutory EP assessments (remote) per month (240 per year), Senior EP to complete QA on each report and a business support administrator to manage allocations, coordinate returns and track timescales.

Signed.....
 Florence Kroll, Cook: Director of Children’s Services

2. **Links to the Royal Greenwich high level objectives**

2.1 This report relates to the Council’s agreed high-level objectives as follows:

- A Great Place to Grow Up

The provision of responsive EP support will mean that children’s needs are supported as early as possible and strategies and resources put in place to meet their needs. This provision will augment the existing service while they recruit to permanent posts.

- A Strong Vibrant and Well-run Borough

The additional provision will mean that the Borough can meet statutory deadlines as in the SEND Code of Practice which are essential to meeting children’s needs and ensuring compliance.

3. **Purpose of Report and Executive Summary**

3.1 The Educational Psychology service needs to be able to recruit locum staff to be responsive to the needs for statutory assessment advice as part of the EHCP processes and to respond to requests from schools for traded Educational Psychology services. An open procurement was conducted but was not successful in appointing any preferred providers to the Framework.

3.2 As a result this report is requesting that we move to a direct award to the specialist organisations who would be able to supply specialist staff to allow us meet our statutory obligations and to also allow enough time for us to recruit to these posts permanently.

4. **Introduction and Background**

4.1 Educational Psychology is a hard to recruit profession, which has been recognised locally and nationally. It is hard to recruit staff, even as trainees to start when they are qualified. The staff group also have a high level of mobility linked to the availability of posts in the local area, age and gender of the staff group and staff moving out of London to secure a better standard of living. Locally we have also had a high level of staff retirement which has led to a specific local gap of experienced staff.

4.2 Educational Psychologists are an essential part of the statutory assessment procedures and having sufficient staff to write advice is a critical part of meeting statutory deadlines. Missing deadlines is a reputational risk for the Local Authority and for a future SEND local Area Review inspection.

4.3 There is a recruitment drive running alongside this for permanent staff using a range of options, including actively recruiting from abroad as well as attracting new graduates to the service. This has been successful but will take time to have an impact across the service.

4.4 Using locum agencies is an essential part of service delivery at the moment but there are no specialist agencies on the current matrix framework. A procurement exercise was carried out with initial interest but has only resulted in 2 agencies putting in a bid. Neither provider was able to meet the specification for providing specialist educational psychologists, so it was not possible to proceed with this process.

4.5 There is now a need to progress with a direct award to the organisations who would be able to apply specialist staff.

5. **Available Options**

5.1 Option 1

Proceed with a direct award to the providers which initially expressed an interest in working with us on an interim basis to supply specialist staff.

5.2 Option 2: Do nothing

This would mean we would not be able to meet statutory deadlines and runs the risk of reputational risk for the LA, a breakdown in relationships with families and schools and also a risk to the outcome of the next SEND Local Area Review inspection.

In addition, it will place pressure on the existing staff team which runs a risk of staff leaving to other local authorities.

5.3 Option 3: Move forward with the 2 providers which submitted bids

Both these providers scored very low in all areas linked to delivering the service. Our evaluation of both bids identified that they both had little or no experience of recruiting and managing education-based contracts as their work has been in clinical health-based settings. Even if recruited, staff would be poorly supervised and managed which would still create a reputational risk to the Council.

6. **Preferred Option**

6.1 Option 1

Proceed with a direct award to providers which initially expressed their interest in working with us to supply specialist staff required to meet our commissioning priorities.

6.2

These providers already deliver locum support to other Local Authorities and are typically run and managed by an Educational Psychologists which are experienced in recruiting and retaining staff with appropriate supervision and management systems in place. These providers did not participate in our open tender as they felt the process was time consuming and also unnecessary due to the current state of the market for this workforce.

6.3 The providers selected would be required to respond to requests for locum staff as needed and provide necessary pre appointment checks and ongoing management supervision in line with the service requirements which are all laid out in a service document.

6.4 This option is the only one that can both meet statutory deadlines and also provide the specialist staff needed to deliver the service required.

7. **Reasons for Recommendations**

7.1 The option recommended is the only one that can:

- Deliver the specialist staff required
- Provide the necessary management and supervision required
- Understand the educational context and the role of the Educational Psychologist
- Enable the service to meet statutory deadlines

8. **Consultation Results**

8.1 This discussion has been internal but has also included using professional networks and events to inform what other comparable services are doing.

9. **Next Steps: Communication and Implementation of the Decision**

9.1 All consultation will be internal with the Educational Psychology and SEN Assessment and Review team.

10. **Cross-Cutting Issues and Implications**

Issue	Implications	Sign-off
<p>Legal including Human Rights Act</p>	<p>The Director of Children’s Services is requested to approve the direct award of contracts for educational psychologist services to:</p> <p>I. Provident Recruitment Limited (company number 07513358) at a cost of £1,062,288.00 (including VAT).</p>	<p>Mohammed Patel, Contracts and Procurement Lawyer</p> <p>13/01/2023</p>

	<p>2. Sanctuary Personnel (company number 05972910) at a cost of £1,518,458.40 (including VAT).</p> <p>The contracts are for the provision of Locum Educational Psychologists for a period of 3 years starting on 01 February 2023.</p> <p>Compliance with Contract Standing Orders (CSOs) and Public Contract Regulations 2015 (PCRs)</p> <p>CSO 3.1 states that every contract made by or on behalf of the Council must comply with National Law, these Standing Orders and the Council’s Financial Regulations.</p> <p>CSO 23.1 allows Chief Officers to award tenders:</p> <ul style="list-style-type: none"> • Where tendering under Standing Orders 15, 18, or 19 produced no tenders or inappropriate tenders. <p>As stated within the report, a procurement exercise was carried out but the 2 providers who bid for the service failed to meet the specification therefore the tenders were deemed inappropriate. As a result, the Chief Officer is authorised to agree to the direct award of contracts to Provident Recruitment Limited and Sanctuary Personnel.</p> <p>The value of the contracts are above threshold for Light Touch Regime</p>	Ref 091949
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	<p>contracts under the Public Contracts Regulations 2015.</p> <p>Under Regulation 32(2)(a) and 32(3)(a) of the PCRs , the tenders a direct award may be used for services where no suitable tenders were received in response to an open procedure and the bids received were manifestly incapable of meeting the authority’s needs without substantial amendment.</p> <p>A Find a Tender notice is required to be published if this has not been done so already.</p> <p>Best Value Under the Local Government Act 1999 the Council is required to achieve best value in the exercise of its functions. In reaching a decision, the Chief Officer must take into account the reasons for the award of these contracts as set out in the body of Report and the Council’s fiduciary duty to achieve Best Value.</p> <p>Human Rights Under the Human Rights Act 1998 local authorities have a duty to promote and protect human rights. The award of these contracts does not have legal implications under the Human Rights Act 1998.</p> <p>Consult with Legal The report author should consult with Legal regarding the drafting and execution of these contracts. To note that the framework agreement and call-off contract originally drafted</p>	
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	will require amendment and these should not be used as these contracts are now being awarded as part of a direct award not as a framework arrangement.	
Finance and other resources	<p>This report seeks to approve a direct award of contracts to ‘Psychology People’ and also ‘Sanctuary Personnel and Skylakes’ for the provision of Locum Educational Psychologists in accordance with CSO 23.1 - ‘where tendering under Standing Orders 15, 18 and 19 produced no tenders or inappropriate tenders’. The maximum total cost per year for these contracts is expected to be £716,874 and for the three-year period it would total £2,150,622. The education psychology area has been underspent for the last couple of years due to vacancies not being filled, so there should be some resources from there. The Director of Children’s Services has also confirmed that they will give an additional £300K to fund this contract. Therefore, there should be enough resources for this for the three years.</p>	<p>Leslie Oosthuizen Interim Finance Manager – Children’s Services</p> <p>15/12/2022</p>
Equalities	<p>The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no apparent equality impact on end users.</p> <p>The report supports the Council in making sure that the most vulnerable service users with SEND have their</p>	<p>Roz Weeks SEND Outreach Services Manager</p> <p>15/12/22</p>

	<p>needs met and so fits with the Council's Equality and Equity Charter and the Council's Equality Objectives 2020-2024 which are also reflected in the Children's Services plan and linked SEND strategies.</p> <p>The process has been through a formal procurement process already so again in terms of equity of providers able to tender for the work this is again in line with the Council's Equality and Equity Charter and the Council's Equality Objectives 2020-2024.</p>	
Climate change	<p>The report does not have any applicability to the Greenwich Carbon Neutral Plan agreed by Cabinet on 18 November 2020.</p> <p>However the organisations will be using a range of service deliver including remote working which does support the Plan.</p>	<p>Roz Weeks SEND Outreach Services Manager</p> <p>15/12/22</p>
Procurement & Social Value	<p>Although an open tender was completed to recruit providers/agencies to the framework, the two bids submitted were evaluated as unsuccessful.</p> <p>Awarding a Direct Contract to these selected organisations/agencies is the only interim solution which can be adopted to help meet statutory legislation. Procurement therefore endorses this decision.</p> <p><u>Social Value:</u> No Social Value was explored for this procurement due to its specialist nature</p>	<p>Shola Oke Senior Strategic Procurement Business Partner For Children's Services (Inc Finance & Legal)</p> <p>16/11/2022</p>

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