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Award

## **Procurement of temporary specialist Special Educational Needs & Disabilities (SEND) workers**

Torbay Council

F15: Voluntary ex ante transparency notice

Notice identifier: 2023/S 000-015007

Procurement identifier (OCID): ocids-h6vhtk-03cf97

Published 25 May 2023, 6:08pm

### **Section I: Contracting authority/entity**

#### **I.1) Name and addresses**

Torbay Council

Torbay Council Town Hall, Castle Circus

Torquay

TQ1 3DR

#### **Contact**

Mr Lawrence Brown

#### **Email**

[lawrence.brown@torbay.gov.uk](mailto:lawrence.brown@torbay.gov.uk)

#### **Telephone**

+44 1803208977

#### **Country**

United Kingdom

**Region code**

UKK42 - Torbay

**Internet address(es)**

Main address

<http://www.torbay.gov.uk/>

Buyer's address

<http://www.torbay.gov.uk/>

**I.4) Type of the contracting authority**

Regional or local authority

**I.5) Main activity**

General public services

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## **Section II: Object**

### **II.1) Scope of the procurement**

#### **II.1.1) Title**

Procurement of temporary specialist Special Educational Needs & Disabilities (SEND) workers

Reference number

DN672038

#### **II.1.2) Main CPV code**

- 79000000 - Business services: law, marketing, consulting, recruitment, printing and security

#### **II.1.3) Type of contract**

Services

#### **II.1.4) Short description**

Torbay Council is currently not able to meet current demand for the requests for new Education, Health & Care Plan (EHCP) assessments and annual reviews with the capacity available. There is also a national increase in Request for Statutory Assessment (RSA) requests, Torbay is currently sitting at 40% decision 'no to assess', which is higher than the National Average.

The purpose of the project would be to clear the backlog (149 EHCP amendments significantly overdue) and then accurately assess demand vs capacity. Legally, the Council should be making the decision to amend the EHCP within 2 weeks of receiving the Annual Review paperwork and sending out the Amended plan with that decision. This was evidence in case law in 2022.

Therefore, the Council needs to appoint temporary specialist SEND Workers to undertake this work during the next 12 months.

The Council has advertised to its contracted Standing List temporary agency providers, on numerous occasions, with no response. Therefore, the Council wishes to source the four required specialist education/SEND staff directly, via an agency provider, not on the Council's Standing List. There is an urgency to sourcing these staff due to the services' task being statutory, and therefore there is no time available to conduct an appropriate procurement process for these temporary appointments.

### **II.1.6) Information about lots**

This contract is divided into lots: No

### **II.1.7) Total value of the procurement (excluding VAT)**

Value excluding VAT: £343,200

## **II.2) Description**

### **II.2.3) Place of performance**

NUTS codes

- UKK42 - Torbay

### **II.2.4) Description of the procurement**

Torbay Council is currently not able to meet current demand for the requests for new Education, Health & Care Plan (EHCP) assessments and annual reviews with the capacity available. There is also a national increase in Request for Statutory Assessment (RSA) requests, Torbay is currently sitting at 40% decision 'no to assess', which is higher than the National Average.

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The risks of not commissioning a project team would be:

- i. Failing to deliver on the safety valve commitment due to not amending EHCP in a timely manner.
- ii. Due to the Safety Valve work, there have been an increase in appeals to the Tribunal. If the Tribunal decide that the Council's Childrens Services ceased an out-of-date plan – it is highly likely that an order is made for a costly reassessment and maintaining of the EHCP.
- iii. Failing to make the improvements required for the Written Statement of Action, which could lead to Secretary of State intervention. In our Childrens Services' OfSTED

reinspection it will be paramount that we show improvement in both the quality of our EHCP's and the meeting of statutory deadlines.

iv. We are not meeting our legal obligations on amendments leaving us vulnerable to financial compensation through Ombudsman complaints.

v. We may not meet our projected EHCP targets for our Safety Valve agreement placing the 12.9 million Safety Valve funding at risk.

vi. Children and young people will not have well identified needs and accurately costed provision or ceased when they have met their outcomes.

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#### **II.2.11) Information about options**

Options: No

#### **II.2.13) Information about European Union Funds**

The procurement is related to a project and/or programme financed by European Union funds: No

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## **Section IV. Procedure**

### **IV.1) Description**

#### **IV.1.1) Type of procedure**

Negotiated without a prior call for competition

- New works/services, constituting a repetition of existing works/services

Explanation:

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#### **IV.1.8) Information about the Government Procurement Agreement (GPA)**

The procurement is covered by the Government Procurement Agreement: Yes

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## **Section V. Award of contract/concession**

A contract/lot is awarded: Yes

### **V.2) Award of contract/concession**

#### **V.2.1) Date of conclusion of the contract**

25 May 2023

#### **V.2.2) Information about tenders**

The contract has been awarded to a group of economic operators: No

#### **V.2.3) Name and address of the contractor/concessionaire**

Panoramic Associates

St. Bartholomews House, Lewins Mead,

Bristol

BS1 2NH

Country

United Kingdom

NUTS code

- UKK42 - Torbay

The contractor/concessionaire is an SME

Yes

#### **V.2.4) Information on value of contract/lot/concession (excluding VAT)**

Total value of the contract/lot/concession: £343,200

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## **Section VI. Complementary information**

### **VI.4) Procedures for review**

#### **VI.4.1) Review body**

Royal Courts of Justice

7 Rolls Building, Fetter Lane,

London

EC4A 1NL

Email

[tcc.issue@justice.gov.uk](mailto:tcc.issue@justice.gov.uk)

Country

United Kingdom