

Operational Decision Record

Publication Date: 10.07.2023	Decision Reference Number: 4984
Decision Title:	
To recruit 2 full-time equivalent main-grade Educational Psychologists (EPs), to meet the increased statutory demand for Education, Health and Care (EHC) assessments	
Decision Value	
£142,138 (full-year cost, pro-rata for mid-year implementation)	
Revenue or Capital Spend?	
Revenue	
Department	
People	
Contact Officer (Name, job title, and contact details)	
Janine Walker, Head of SEND and Vulnerable Pupils Janine.walker@nottinghamcity.gov.uk	
Decision Taken	
To recruit 2 full-time equivalent main-grade Educational Psychologists (EPs), to meet the increased statutory demand for Education, Health and Care (EHC) assessments.	
Reasons for Decision and Background Information	
<p>The Council has a statutory legal duty under the Children and Families Act 2015 to identify, assess and make provision to meet the needs and improve outcomes for young people aged 0-25 with Special Educational Needs (SEND). It is a statutory requirement that each EHC assessment has an EP's report.</p> <p>Two full-time equivalent EPs is the minimum required to enable the Council to complete the majority of statutory assessments within the 20-week timeline. There is a currently a national shortage of Educational Psychologists (EPs).</p> <p>The SEND Department for Education (DfE) advisor has confirmed that the East Midlands area is particularly struggling with the recruitment of EPs. The DfE acknowledge the shortage of EPs and is proposing measures to reduce the shortfall in the recently issued SEND Green Paper. Whilst these measures are welcomed, it will be several years before the Council sees an improvement in the ability to recruit and retain EPs.</p> <p>Consequently, to enable the Council to meet its statutory duties, whilst it is proposed to recruit 2 EPs, if this is not possible, then the Council will need to employ external Locum and/or Associate EPs temporarily, via a procurement framework. The commissioning of Locum EPs is currently being addressed through work with the Procurement Team to develop an appropriate framework.</p> <p>In Nottingham, the demand for EHC statutory assessments has increased by over 100% since 2015, but there has been no additional EP capacity to meet this demand increase. The Council has always been a high-performing Local Authority in meeting the 20-week statutory timeline for completing EHC Plans. Over the last 10 years, performance has always been maintained at 97% or above, but as a result of lack of EP capacity, this has dropped to 66% and is predicted to continue to fall without investment in capacity for the EP service.</p>	

There are a number of reasons that Nottingham has seen a decrease in performance against this statutory requirement, the biggest of which is the increased demand for EHC assessments. Since the implementation of the Children and Families Act 2015, Nottingham has seen over a 100% increase in demand for EHC statutory assessments. This figure follows the current national trend. Additionally, the recent publication of the SEND Green Paper and the future uncertainty of the SEND system may lead to more families requesting EHC statutory assessments, putting even more pressure on capacity.

The Service has previously has been able to mitigate this increasing demand through streamlining EHC assessment processes, ceasing/reducing the service offer by, for example, reducing attendance at EHC annual reviews in special and mainstream schools, attendance at Team Around the School meetings, reducing EP support to special schools, reducing the offer to children with SEND 0-5 years and reducing EP contribution to SEND tribunals. These reductions, whilst helpful in meeting statutory duties, has reduced the Service's early intervention offer and has increased risks of high-cost placement decisions being made against the Council through the SEND Tribunal processes.

There are no further actions the Service can take to divert resources to meet the demands of completing EHC assessments.

The impact of lack of EP capacity means that young people's additional needs are not being identified and assessed in a timely manner. In addition to the risk to the outcomes and wellbeing of young people, there is a risk of increased DfE monitoring of the Council's performance and a risk of a written statement of action through the next SEND inspection by OFSTED and the Care Quality Commission.

The following options have been considered:

Maintain the service at current staffing levels. This option is rejected as it would result in the Council not being able to meet its statutory duties to complete EHC plans within 20 weeks. The current performance of 66% on time would continue to reduce, impacting on the progress and outcomes for young people with SEND and leading to DfE intervention.

Additionally, this option will result in additional litigation, complaints and high cost, specialist placements.

Reasons why this decision is classified as operational

This decision has a value below £150,000.

There are no changes to current agreed policies and budgets.

Additional Information

Advice has been taken from finance and HR.

Finance:

This decision amounts to the recruitment of 2 FTE EPs which stands to cost £142,138 for mid-year recruitment. Funding for these posts have been secured via the budget rebasing project completed by PwC.

If permanent recruitment is not possible, the funds can be used to employ locums, though management will need to keep a close eye on this expenditure to remain within the budget provided.

Management need to ensure that this budget is continued in the forthcoming MTFP to ensure the numbers of staff in EP is held steady.

Advice provided by Clare Rickett, Senior Commercial Business Partner (Children's and Education) on 19/10/22

HR

As outlined, the proposal seeks authorisation to appoint 2 FTE Educational Psychologists to meet the increased statutory demand for Education, Health and Care assessments. The rationale for creating these additional posts is supported by HR, subject to finance comments.

Management will need to ensure that recruitment is conducted through the appropriate processes. There will need to be a support and development plan for the new post-holders once appointed in line with managing performance through the new probationary policy. Future Ways of Working should be discussed with the employee in relation to category of worker and any expectations should be clearly outlined with regard to attendance in the office, dependant on the role and responsibilities.

I understand the posts to be permanent, therefore Management will need to consider next steps at the end of the funding period. If NCC may need to delete the posts once the funding received has stopped, a redundancy consultation will be required and the employees may be entitled to a redundancy payment. Management will need to ensure appropriate timelines are in place and budget for the exit payments, if relevant. If the posts are initially temporary, an appropriate exit strategy must be in place in order to terminate the contract in line with the Council's guidance in the event that the post cannot be made permanent at the end of the fixed-term period. Management will need to ensure appropriate timelines are in place to notify the affected employee and give appropriate notice.

If recruitment is unsuccessful, due to the current shortage of EPs nationally, then Council policy and procedure on the hiring of Agency staff should be followed and adhered to, including the neutral vendor system, and the Agency Worker regulations. Management need to ensure the agency worker is aligned to a job description that has gone through the job evaluation process and ensure the Agency Workers Approval form has been completed.

Advice provided by Louise Hobbs, HR Consultant on 19 October 2022.

Decision Maker (Name and Job Title)
Catherine Underwood, Director of People
Scheme of Delegation Reference Number
1
Date Decision Taken
19/10/2022