

Operational Decision Record

Publication Date 02 July 2024	Decision Reference Number 5142
Decision Title	
Agreement to tender and procure an Education, Health and Care (EHC) Plan Digital Portal	
Decision Value	
Decision up to a value of £133,200. This is based on quotes received to data and would be for a three year period.	
£133,200 (Based on a 2-year contract with option to extend for 1 year)	
Year 1 £61,200 (£25,200 implementation + £36,000 annual licence fee)	
Year 2 £36,000	
Year 3 £36,000	
Revenue or Capital Spend?	
Revenue	
Spend Control Approval	
Has the spend been approved by Spend Control Board? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	
Spend Control Board approval reference number: 4946	
Department	
People	
Contact Officer (Name, job title, and contact details)	
Neil Brettell, Acting HoS SEND & Vulnerable Students	
Decision Taken	
To procure an EHC digital system via the G-Cloud 13, Crown Commercial Framework Contract; with call off Lot 2, Cloud Software which offers applications which are accessed over the internet or private network and can be hosted in the cloud.	
Reasons for Decision and Background Information	
The SEND and AP improvement plan (2022), outlines plans to digitise and standardise the EHC process. In Nottingham there is currently no digital portal. Discussions have been undertaken with the SEND DfE advisor who has recommended that Nottingham should begin the process of moving to a digital offer.	

Current areas of concern in Nottingham:

1. In Nottingham, as nationally the number of EHC plans maintained is rising year on year. Since the inception of Children and Families Act 2014 (implemented in 2015) the number of EHC plans being maintained has risen by 155% with new requests for EHC assessment rising by 170%

This increase has not been reflected in the staffing structure of the SEND Service who have had no increases in capacity. For a number of reasons the team have been carrying key vacancies for a period of time, which has further inhibited its ability to address backlogs in statutory work and meet current demands. The service is now under very significant pressure which is reflected in the ability to issue EHC plans on time. This key indicator has reduced from 95% plus being issued on time to current performance of 63% for the 2023 calendar year%.

The team now carry huge caseloads of around 400 young people alongside managing new assessments and annual review of EHC plans. Benchmarking with East Midlands councils demonstrate that this is at least twice as high as other LA's and in some cases over 3 times as high.

2. Legal challenges e.g. tribunals and Judicialia reviews – Nottingham City has seen an 217% increase in SENDIST tribunal appeals since 2014. Appeals represent significant financial risk to the local authority.
3. In 2022 the DfE introduced new statutory, key performance indicators in relation to the annual review of EHC plans. Additionally a High Court Judgement drastically reduced the statutory timeline for amending EHC plans following review. Previously, there was no deadline by which a draft amended EHC plan had to be issued. Now, the draft amended EHC plan must be issued within 4 weeks of the review meeting and finalised within 12 weeks of the meeting (and within 8 weeks of the draft). Educational settings have a statutory 2 weeks following the meeting to submit the review report to the SEN Service, which cuts the 4 weeks for making a decision on the report and producing an amended plan (including requesting any missing information from social care, health etc. and giving them time to respond) down to a 'best-case scenario' of 2 weeks.

Current processes within the team require staff to manually contact educational settings to chase annual review outcome paperwork, request reports and new information from health and social care and contact families to advise of next steps. Due to the lack of capacity within the service, performance on this statutory indicator is currently at 61% of amended plans issued within statutory timelines. The number of EHC reviews completed within 12 months reduced from 60% in 2022 to 50% in 2023.

4. The SEN Service worth with significant volume of a special category data. The team have had a significant number of data breaches as a result of limited capacity within the team, and manual processes that are currently in place.

To improve the experiences of children and families, the move towards the requirements of the SEND and AP Improvement Plan and to enable the team to reduce administrative requirements, the Service have been working closely with the Digital Team and other stakeholders to identify a digital solution to the management of EHC and annual review processes.

This paper seeks to request the permission to tender a specification to enable providers to formally submit a proposed offer.

Benefits of a digital solution:

1. The EHC process is a detailed statutory process and administratively complex. The introduction of the digital platform would enable a redirection of administrative post to begin to reduce the current caseload numbers.
2. A digital platform supports engagement, contribution, and collaboration on EHC need assessments, plans and reviews. Platforms need to offer complete transparency for families, professionals and education settings and support the transformation of the EHC process and management. The solution will better enable Nottingham LA to meet its statutory duties and supports a move towards efficient practises in line with the principles of the transportation program.
3. Other Local Authorities and integrated care boards already utilise digital platforms to support their statutory EHC responsibilities. The digital solution must offer access to consistent software across local authority boarders, to offer the most efficient solution for practitioners and families.
4. The solution will support data collection to address the increasing requirement for reporting on SEN2 and other statutory returns. Systems offer Real-time reporting including measuring progress towards EHCP outcomes and statutory timeframes and the timeliness of advice from partner agencies.
5. All correspondence around EHC plans will take place within a secure platform, reducing the risk of significant data breaches and data handling errors.
6. Digital platforms offer increased levels of accessibility to information for service users, however the system must actively develop digital access for families who are in digital poverty.

7. A digital portal transforms communication so families, educational settings and professionals can collaborate on assessments, plans and reviews. It provides an automated workflow to manage EHC plans and processes, reducing administration allowing staff time to be redirected to more impactful tasks. Digital platforms automatically generate assessment and annual review reminders, and reduces requirement for manual input. This will allow The LA to work collaboratively with education settings and contributes to key performance indicators and key management reporting functions.
8. Digital Systems offers more transparency, access to new information quickly and ability for families to flag any inaccuracies and identify information they contest or would like included. Families have 24 hour access to look at progress of the application and read and agree the content and report of plans much earlier. The portal will also enable young people over the age of 16 the ability to access their EHC assessment and plan in their own right. Digital platforms will offer Improvements in customer experience for young people and families resulting in a reduction in complaints and statutory appeals. The transformation team have been working closely on this project and identified that EHC process is too complex to be managed on existing software programs available to The LA. A bespoke, off the shelf platform is required due to the specialist nature of the task.
9. Nottinghamshire Information Advise and Support Services have supported the implementation of a digitised platform and offered to support parental engagement and roll out.

Other Options Considered and why these were rejected

Digital platforms have been explored which include off the shelf software solutions and build your own platform. At this stage there are concerns that any build your own platforms will require significant LA staffing support of which there is no current capacity available within the SEN Service.

Options to build a platform via Firmstep have been assessed by the digitization team but the EHCP Assessment process was deemed to complex o be build via firm step, and would require ongoing IT support and frequent maintenance.

Currently young people and parents have no access to reports or the progress of their assessment without contacting the team or being notified by report writers towards the end of the assessment process. This does not allow families to self-serve, add new and emerging information or request amendments early in the process or ask for inaccuracies to be addressed. The aim of the reforms was to ensure that children and families were central to SEND processes and were to co-produce the EHC plans and be fully involved in reviews of progress. Without the

digital hub, families will continue to feel that they are not fully included, listened to and kept up to date on their child's EHC assessment.

Reasons why this decision is classified as operational

- This decision has a value below £300,000
- This decision is taken within agreed policies and within the overall agreed budget controlled by the officer taking the decision

Additional Information

- **It is recommended that you seek and include finance advice where your decision has financial implications.**

Comments –

Equality Impact:

See attached EIA

Procurement:

Procurement Team have been engaged with the compliant procurement of this software. We looked to achieve better value by carrying out a joint procurement with Nottinghamshire County Council however, due to sensitive data, it was decided this was not feasible. Therefore, the intention is to use the G-cloud 13 framework to approach the market. Standard G-cloud terms will be used and a contract can be awarded up to 4-years. There are no procurement concerns. Due diligence will be undertaken on the preferred supplier.

Advice provided by Louise Dobson 14.03.2024.

IT Services/Transformation:

The IT Service support the proposal to acquire the Idox solution, SEND EHC Hub, for the digitisation of Education, Health and Care plans.

The system will be acquired as a cloud based software as a service (SaaS) solution for the service's needs. As such the use of the solution will have limited impact on the Council's existing infrastructure.

There are some aspects of the proposed solution that will require recording as exceptions to the Council's security policies, but these of themselves are not of sufficient concern to prevent the solutions acquisition and use. The aspects are:

- The solution does not integrate with the Council's network access technology. This means that:
 - Colleagues in the service administering the system must carefully manage their 'starters, movers and leavers' process to ensure that users' access privileges are properly controlled to prevent unauthorised access to client data. The service have confirmed that they are aware of and will execute this responsibility.
 - Idox provide a two factor authentication system for access to their solution which is an acceptable alternative to the preferred single sign on. Idox have indicated that they are investigating providing a single sign on feature and this would be preferred, and if available at some future date in the solution's life, should be adopted.
- The password policy employed by the solution is less rigorous than the Council would choose to adopt but is not deemed to be insufficient for purpose.

The current policy and funding arrangements within the Council mean that project work undertaken by the IT Service are internally charged for. Support for the implementation of the solution will require some project work from the IT Service, at this point estimated as 5 days work, which will generate an estimated internal charge of £1,800.

Advice provided by Paul burrows: 01/05/2024

Information Compliance:

See attached DPIA

Legal Comments

This report seeks approval for the spend of £133,200 for an Education Health & Care plan (EHC) Digital System and to tender and spend to provide the EHC Digital System service.

The author of the report has indicated the intention to utilise the services of the G-Cloud 13, Crown Commercial Framework Contract; call off Lot 2 which is Cloud Software Services, ID: RM1557-13, which offers applications which are accessed over the internet or private network and can be hosted in the cloud, tendered by way of a direct award.

According to the report, the SEND and Alternative Provision (AP) Improvement plan 2022, outlined plans to digitise and standardise the EHC process, which NCC does not currently have a digitised portal. The SEND DFE advisor has recommended that NCC should begin the process of moving to a digital offer which falls under a statutory provision required by the DFE.

I understand that since the inception of the Children's Act 2014, that there has been an increased in the number of EHC risen by 155% and an increase of new requests for EHC assessments by 170%, which has affected staffing capacity, which has impeded service with backlog in statutory work and the Council not meeting the

current demands for the service, leading to a reduction from 95% key indicator to 63% in the year 2023. The report indicated that in 2022 the DfE introduced new statutory key performance indicators in relation to annual review of EHC plans and a recent High Court Judgement, has drastically reduced the statutory timeline for amending EHC plans following review. Given the statutory requirement imposed upon NCC by DFE, it is incumbent on NCC to comply with its statutory requirements. The client intends to utilise the service of the G-Cloud 13 framework, which provides standard contractual documents used when accessing services to deliver the EHC digital platform services and the Council must ensure that it complies with its obligations imposed by the framework and its standard G-Cloud contractual terms, which are non-negotiable. In this Framework, the Suppliers terms and conditions will be utilised on call off, rather than CCS conditions, it is prudent that the client and procurement colleagues familiarise themselves with the contents and be conformable with the terms before awarding and entering into a final call off contract. Contracts placed under the framework agreement G-Cloud 13, is subject to a maximum duration of 36 months and an optional extension period of up to 12 months. In the tendering process, the Council must continue to comply with its obligations under the Council's Constitutional requirements throughout the tender process and obtaining the relevant approvals. The proposals raise no significant legal concerns.

Advice provided by Vendie Charles (Contracts Commercial Solicitors) Dated: 20.05.2024

Finance:

The operational decision is to tender and procure an Education, Health and Care (EHC) Plan Digital Portal.

The maximum cost for the digital portal is £133,200 (Based on a 2-year contract with option to extend for 1 year)

Year 1 £61,200 (£25,200 implementation + £36,000 annual licence fee)

Year 2 £36,000

Year 3 £36,000

The first year's cost of £61,200, is to be funded from the balance of contributions made by the Nottingham Clinical Commissioning Group (CCG) towards joint commissioning of services to the SNDF Reserve. Subsequent years (2 & 3 £36,000 each) will be funded from DSG yearly allocation.

Abi Yusuff Interim Commercial Finance Business Partner – Education on 05/10/2023.

Decision Maker (Name and Job Title)

Catherine Underwood Corporate Director People

Atwood

Scheme of Delegation Reference Number

Date Decision Taken

12/06/2024