

Record of Decisions

Procurement of Education other than at School (EOTAS) Programme

Decision Taker

Cabinet on 17 December 2024.

Decision

That authority be delegated to the Director of Children's Services, in consultation with the Cabinet Member for Children's Services, to award the contracts following the subsequent successful completion of the procurement process.

Reason for the Decision

By implementing these contracts, legislative requirements would be met which stipulate that the local authority undertakes a relevant procurement process to award contracts.

Implementation

This decision will come into force and may be implemented on 2 January 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Torbay Children's Services currently commissions EOTAS packages with alternative providers to meet the needs of children and young people who are unable to attend school and who have an Education, Health and Care Plan (EHCP). This was undertaken on a spot purchase basis. The EOTAS packages that children and young people currently received were often dependent on the availability of provision and the hours and offer being accessed can vary hugely.

Torbay Council wanted to ensure that all children and young people who were unable to access education within a registered school could continue to access an impactful and high-quality provision to ensure that they could continue to get their best out of their education journey, be supported successfully into adulthood, by having a robust educational offer despite not attending school. Whilst ensuring that when families and their children were offered an EOTAS education programme, that it was a streamlined process with clear provision in place and available for a smooth and successful transition into this provision.

There were a high number of alternative providers which were commissioned by Torbay Children's Services with varying impact and outcomes for the children and young people who access them. There was a need for Torbay Council to have more control over the provision that was on offer for children and young people, and to be able to implement an equitable offer for the vulnerable children and young people who require their education via an EOTAS package. The contracts being proposed would enable these huge variations to be reduced and for children and young people to access what they were entitled to.

At the meeting Councillor Bye proposed and Councillor Jackie Thomas seconded a motion that was agreed unanimously by the Cabinet as set out above.

Alternative Options considered and rejected at the time of the decision

Do nothing: This would result in a continued inequitable offer and high-cost spot purchased placements. This presented challenges with financial forecasting along with not having the provision available to meet the needs of children and young people due to relying on a spot purchasing process.

Framework only: This would enable Torbay Council to have more control over the provision that was being used for children and young people who required a package for EOTAS however would not resolve the sufficiency issue in having placements readily available in high quality provision.

Block contracts only: This would result in increased control over the provision used however restricted the flexibility of the EOTAS programme by limiting the number of providers which were available and therefore removing aspirational factors from the children and young people's education.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

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20 December 2024

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet