

Guidance Notes

Introduction

The following Contract Procedure Rules can be waived in **exceptional circumstances** and only with the prior written approval of the Relevant Chief Officer –

Contracts Procedure Rule No 3.1.1 – Category Plan and approved budget

Contracts Procedure Rule No 3.1.6 – Requirement to use existing suppliers

Contracts Procedure Rule No 3.1.7 – Requirement to use an Approved Framework Agreement

Contracts Procedure Rule No 3.1.15 – Requirement to use the Council's standard tender documents

Contracts Procedure Rule No 3.1.22 – Procurements not to be undertaken by consultants

Contracts Procedure Rule No 3.1.23– Post tender negotiations

Contracts Procedure Rules No 8.1 and 8.2 – Intermediate value procurements

Contracts Procedure Rules No 9.1 and 9.2 – High Value Procurements

Contracts Procedure Rule 15.2 – Tender evaluation

Waivers cannot be made retrospectively in any circumstances and failure to comply with Contract Procedure Rules may result in disciplinary action.

A report is required to meet the Council's obligations of transparency and openness and to show that the matter referred for consideration properly falls within Contracts Procedure Rules.

Officers are recommended to seek advice from the Chief Procurement Officer when completing the Waiver Report.



Report of Complex Needs Best Practice Development Officer

Report to Deputy Director of Children's Services

Date: 24 July 2014

Subject: Approval to waive Contract Procedure Rules 8.1 and enter into a contract with Tribal for the provision of upgrades to the current Synergy system.

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| Are specific electoral Wards affected? If relevant, name(s) of Ward(s): | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Is the decision eligible for Call-In? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: 10.4 (3) Appendices 3, 4, 5, 6, 7 and 8 | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

Summary of main issues

1. The council must be prepared to produce Education Health and Care Plans (EHCP) by the 1 September 2014.
2. The current IT system will not support the new process without upgrades.
3. Any IT solution for the EHCP will need to feed into the wider review of all children's records and therefore be an interim solution.

Recommendations

4. The Deputy Director of Children's Services is recommended to approve the waiver of Contract Procedure Rule 8.1 and purchase the upgrades to the current system from the current IT supplier so that we are prepared in time for 1 September 2014.

1 Purpose of this report

- 1.1 This report seeks approval from the Deputy Director Children's Services to waive Contract Procedure Rule 8.1 and purchase the upgrades (Synergy Gateway SEN and Report Cradle) to the current system from the current IT supplier (Tribal).

2 Background information

- 2.1 Under the Children and Families Act 2014 the authority is required to produce the new statutory assessment, the EHCP, within 20 weeks instead of 26 weeks.
- 2.2 There are also changes to the way that the statutory assessment will be produced, working more closely with parents, young people and our statutory partners.
- 2.3 The previous statutory assessments, Statements of SEN, will be converted to EHCPs over three years but continue to need to be reviewed over that period of time.
- 2.4 We have followed government guidance and co-produced the EHCP process with families through a pilot. As this pilot was only complete in late June we were unable to scope the IT requirements earlier.

3 Main issues

Reason for Contracts Procedure Rules Waiver

- 3.1 Should the upgrades not be purchased, the Council would be unable to fulfill its obligations under the Children and Families Act 2014 to complete 100% of new EHCPs within 20 weeks and 100% of conversions within 14 weeks.
- 3.2 We use the synergy SEN module for managing Statements of SEN and Leeds City Council has already purchased Gateway. The products we are proposing to purchase are upgrades to the current systems we have already procured.
- 3.3 Purchasing a new product would cost far more than upgrading the current system.
- 3.3 It is highly unlikely that a comparable product could be installed and functional before 1 September 2014. Purchasing the upgrades in the short term provides the authority with some 'breathing space' to fit in with the wider procurement of children's record systems.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The project undertook a pilot of the new EHCP process. Through that pilot efficiencies have been identified that will save both time and money if we upgrade the current system. The time savings are essential to meeting the new targets whilst actively involving parents and other partners.

4.2 Equality and Diversity, Cohesion and Integration

- 4.1.1 The EHCP project has completed an Equality Impact Assessment Screening.
- 4.2.2 The upgrades have been designed to meet the requirements of the EHCP process.

4.3 Council Policies and City Priorities

- 4.3.1 The upgrades to the IT system will enable us meet our statutory responsibility under the Children and Families Act 2014.

4.4 Resources and Value for Money

- 4.4.1 Upgrades to products we already own and have installed will cost less than a new system.
- 4.4.2 There will be significant cost savings in postage, estimated at least £10k annually.
- 4.4.3 We will be able to use the administrative time saved to support the more intensive process.
- 4.4.4 The reports we build into the new work flows will allow us to identify where to target our efforts to improve in the future.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The value of the product does not fall within the scope of the Public Contract Regulations.
- 4.5.2 Appendices 3, 4, 5, 6, 7 and 8 are confidential in accordance with Information Procedure Rule number: 10.4 (3)

4.6 Risk Management

- 4.6.1 To delay or not purchase the upgrades will impact adversely on the authority's ability to deliver the EHCPs within the timescales and to brief as outlined in DfE statutory guidance.
- 4.6.2 A small amount of development work with the Complex Needs Service, the CS Data Management Team and the LCC web team will need to be completed so that the options are customized to specifically suit the requirements of Leeds Local Offer. This work must take place within the next five weeks for the project to be fully completed and ready for launch on the 1 September 2014.
- 4.6.3 Partners need to be prepared for the technical aspects of any change and agree to submit information in a different way.
- 4.6.4 Any risks and issues arising from the work to be undertaken in 4.6.1, 4.6.2 and 4.6.3 will be managed in line with the councils DSC project methodology and reported to the SEND Reforms Steering Group and the Complex Needs Partnership Board.
- 4.6.5 IT Procurement board have discussed and approved this product.

5 Conclusions

- 5.1 To ensure compliance with the statutory requirement of Children and Families Act 2014 to publish and produces and convert statutory assessments within the time allowed starting from 1 September 2014, the upgrades to the current systems should be purchased.

6 Recommendations

- 6.1 The Deputy Director of Children's Services is recommended to approve the waiver of Contract Procedure Rule 8.1 and purchase the upgrades to the current system from the current IT supplier so that we are prepared in time for 1 September 2014.

7 Background documents¹

7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.