

Report of Commissioning Team

Report to Director of Children’s Services

Date: 5th June 2015

Subject: Waiver of Contract procedure Rules to award a contract for the provision of Secondary Learning Improvement Advisors by B11 Education Ltd.



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: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. This report seeks to waive Contract Procedure Rule (CPR) 9 to award a contract without competition to B11 Education Ltd for the provision of Secondary Learning Improvement Advisors.
2. The contract will be for 14 months with no further options to extend.
3. The maximum cost of the service is £106,400.
4. If a new contract is not awarded, Leeds City Council will not have provision in place to continue to effectively challenge all secondary schools to improve delivery prior to requiring formal intervention.

Recommendations

5. The Director of Children’s Services is recommended to approve the waiver of the following Contracts Procedure Rule(s):

*Contracts Procedure Rules No 9.1 and 9.2 – High value procurements**

and award a contract to **B11** to a maximum contract value of **£106,400**. The contract shall commence no earlier than **1st July 2015** and expire on the **31st August 2016** with no further options to extend.

1 Purpose of this report

- 1.1 To seek approval to waiver CPR 9 and award a contract to B11 Education Ltd for the provision of additional support to the Secondary Learning Improvement advisory team. The contract shall commence no earlier than 1st July 2015, and expire on the 31st August 2016.

2 Background information

- 2.1 Following a tender exercise in 2013, B11 Education Ltd was highlighted as the most appropriate provider to deliver against two key aims:
- To provide challenge to secondary schools in Leeds, focused on LA maintained schools, in order to improve school performance;
 - To make clear recommendations for service development within the local authority in order to establish and embed an approach to challenge for secondary schools.
- 2.2 Since the contract started in 2014, B11 have been delivering a model of school/academy review that provides rigorous and robust challenge; one that has credibility with school/academy leaders within the local authority and the wider educational community, including Ofsted and DfE.
- 2.3 B11 has previously operated highly successful programmes in the local authorities of Bradford and Rochdale. B11 provides valuable support to the common school self-evaluation framework (SEF), based on the Ofsted inspection framework. B11 offers expertise in data analysis and provide expert external moderation of the school/academy's self-evaluation.

3 Main issues

3.1 Reason for Contracts Procedure Rules Waiver

- 3.1.1 One of the priorities of LSUS is to provide effective advice and challenge to schools with a view to improving the overall performance of schools and academies. The intention of this programme is to create a self-improving secondary system in which the responsibility for school improvement rests with schools/academies, working in partnership with the Leeds Teaching Schools Alliances and the LCC Secondary School Improvement Team; ensuring a joint approach to school improvement. Within the programme, schools receive a one day Challenge Visit on site, followed by an outcome-based report.
- 3.1.2 A new contract needs to be awarded to ensure that the Directorate can engage the services of a consultant(s) to undertake the work as there is a shortage in the required skills and knowledge available within LCC. The contract will bring in expert(s) with a suitable background in secondary school delivery to ensure the credibility of recommendations to secondary school head-teachers. B11 Education Ltd consultants are highly-trained OFSTED

inspectors that work to embed common self-evaluation framework in education provision, and challenge schools through such means.

- 3.1.3 There is also recognition of the need of great flexibility in relation to the partnership with academies and free schools. It is noted from performance data that some of the worst performing schools in Leeds are sponsored academies, and as such, receive support through their own sponsor's intervention systems. Sensitivity to the relationship with these establishments is something B11 have great experience and expertise in.

3.2 Consequences if the proposed action is not approved

- 3.2.1 If a new contract is not awarded Leeds City Council will not have provision in place to effectively challenge Secondary Schools to improve delivery prior to requiring formal intervention.
- 3.2.2 If a new contract is not awarded, the positive work undertaken by B11 since January 2014 will not continue and progress around secondary school improvement may slow.
- 3.2.3 The specific skills and knowledge around delivering this service review is not available within LCC, or in an existing contract held by LCC, so a contract with B11 Education Ltd needs to be awarded.

3.3 Advertising

- 3.3.1 This contract opportunity has not been advertised.
- 3.3.2 The contract value is below current EU threshold so there is no requirement for the contract to be tendered in accordance with the Public Contracts Regulations, but there is a requirement to comply with the Council's Contract Procedure Rules.

6. Corporate Considerations

6.1. Consultation and Engagement

- 6.1.1. Over the past two years, B11 have been delivering a model of school/academy review that provides rigorous and robust challenge; one that will represent credibility with school/academy leaders within the LA and the wider educational community, including Ofsted and DfE.
- 6.1.2. During the course of the programme, most schools opted for a full review and received a report with gradings for each of the Ofsted categories. One aspect of the process that headteachers most valued was the opportunity to work with a peer. Senior Leaders liked visiting other schools, appreciated the input of peer colleagues and the networking that was facilitated by B11.
- 6.1.3. Consultation has taken place with B11 Education Ltd to identify that they are able to continue delivering the service required.
- 6.1.4. No wider consultation has taken place with other potential service providers.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1. The equality, diversity, cohesion and integration screening form is attached as Appendix 1. This form identifies that an impact assessment is not required in this case.

4.3 Council Policies and City Priorities

- 4.3.1 The development of challenge with secondary schools is required in order to improve learning outcomes for young people in Leeds.
- 4.3.2 Through embedding SEF in schools, the programme ultimately impacts on the following Children & Young People's Plan priorities:
- Improve behaviour, attendance & achievement
 - Support children to be ready for learning

4.4 Resources and Value for Money

- 4.4.1 The maximum cost of the contract is £106,400 for the full term straddling two financial years, of which approx. £68,400 would fall within 2015/16 and £38,000 in 2016/17. The cost of the contract will be absorbed within the 11-19 Team service budget within Learning Improvement.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The decision is not subject to call in.
- 4.5.2 The decision to waive contract procedure rule 9 is a significant operational decision in line with contract procedure rule 27.
- 4.5.3 Contract Procedure Rule 3.1.12 states that any decision for procurement of Consultants will, as a minimum, be treated as a Significant Operational Decision.
- 4.5.4 In making their final decision, the Deputy Director – Learning, Skills & Universal Services, should be satisfied that the course of action chosen represents Best Value for the council given that this contract opportunity has not been exposed to competition.

4.6 Risk Management

- 4.6.1 There is a low risk of challenge from other training providers as B11 Education Ltd is the only providers of this programme in the region.
- 4.6.2 Awarding a contract directly to these contractors in this way could leave the Council open to a potential claim from other providers, to whom this contract could be of interest that it has not been wholly transparent as the opportunity is not being advertised and at least three written tenders invited.
- 4.6.3 Although there is no overriding legal obstacle preventing the waiver of CPR 9 the above comments should be noted by the Deputy Director – Learning, Skills & Universal Services in making his final decision as to the award of this contract being the best course of action for

the Council. The Deputy Director should be satisfied that this represents best value for the Council.

7. Conclusions

7.1. A waiver of Contract Procedure Rule 9 in order to enter into a contract with B11 for the provision of Secondary Learning Improvement Advisors.

8. Recommendations

8.1. The Director of Children's Services is recommended to approve the waiver of the following Contracts Procedure Rule(s):

*Contracts Procedure Rules No 9.1 and 9.2 – High value procurements**

and award a contract to **B11** to a maximum contract value of **£106,400**. The contract shall commence no earlier than **1st July 2015** and expire on the **31st August 2016** with no further options to extend.

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.

Equality, Diversity, Cohesion and Integration Screening

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions. Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

Directorate: Children's Services	Service area: Learning, Skills & Universal Services
Lead person: Paul Brennan	Contact number: 0113 37 83688

1. Title:
Is this a:
<input type="checkbox"/> Strategy / Policy <input checked="" type="checkbox"/> Service / Function <input type="checkbox"/> Other
If other, please specify

2. Please provide a brief description of what you are screening
New contract award to B11 for the delivery of additional support to the Secondary Learning Improvement team.

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3. Relevance to equality, diversity, cohesion and integration

All the council’s strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).

Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?		x
Have there been or likely to be any public concerns about the policy or proposal?		x
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?		x
Could the proposal affect our workforce or employment practices?		x
Does the proposal involve or will it have an impact on <ul style="list-style-type: none"> • Eliminating unlawful discrimination, victimisation and harassment • Advancing equality of opportunity • Fostering good relations 		x

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.

Please provide specific details for all three areas below (use the prompts for guidance).

- **How have you considered equality, diversity, cohesion and integration?**

(**think about** the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

- **Key findings**

(**think about** any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

- **Actions**

(**think about** how you will promote positive impact and remove/ reduce negative impact)

5. If you are not already considering the impact on equality, diversity, cohesion and integration you will need to carry out an impact assessment.

Date to scope and plan your impact assessment:

Date to complete your impact assessment	
Lead person for your impact assessment (Include name and job title)	

6. Governance, ownership and approval		
Please state here who has approved the actions and outcomes of the screening		
Name	Job title	Date
Paul Brennan	Deputy Director – Learning, Skills & Universal Services	25/02/2015

7. Publishing	
This screening document will act as evidence that due regard to equality and diversity has been given. If you are not carrying out an independent impact assessment the screening document will need to be published.	
If this screening relates to a Key Delegated Decision, Executive Board, full Council or a Significant Operational Decision a copy should be emailed to Corporate Governance and will be published along with the relevant report.	
A copy of all other screening's should be sent to equalityteam@leeds.gov.uk . For record keeping purposes it will be kept on file (but not published).	
Date screening completed	10/03/2015
If relates to a Key Decision - date sent to Corporate Governance	
Any other decision – date sent to Equality Team (equalityteam@leeds.gov.uk)	

