



**Report of: Head of Service – Learning for Life**

**Report to: Chief Officer – Partnership Development & Business Support**

**Date: 8<sup>th</sup> July 2015**

**Subject: To seek approval to waive Contract Procedure Rule 8.1 & 8.2 and purchase two additional Tribal modules**

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

## **1.0 Summary of main issues**

- 1.1 Following on from the success of providers offering Free Early Education to three and four year olds, the Government now offers the same entitlement for two year olds who meet the eligibility criteria. This will result in an additional 4,500 places for 2 year olds by October 2015 in Leeds.
- 1.2 The successful purchase and implementation of the payments system from Tribal earlier this year has provided us with the option of purchasing additional modules which will make the process of establishing eligibility for 2 year olds easier for parents.

## **2.0 Recommendations**

- 2.1 The Chief Officer for Partnership Development and Business Support is recommended to approve the decision to waive contracts procedure rule 8.1 & 8.2 and purchase the 2 additional modules from Tribal Services to support the work around promotion and take-up of places for eligible 2 year olds.

### **3.0 Purpose Of This Report**

- 3.1 Free Early Education Entitlement (FEEE) enables all eligible children to take up high quality early education regardless of their parents' ability to pay. Historically this entitlement was provided to three and four year olds but with effect from September 2013, eligible two year olds have also been entitled to access early education. Approximately 4,500 places for two year olds will be required in Leeds by October 2015.
- 3.2 In January 2014, the old and very unreliable database/payments system was replaced with an Early Years bolt-on payments module provided by Tribal Education Limited. Creation of new places for eligible 2 year olds and promotion of take-up continues to be a challenge. The proposal to purchase these additional modules will enable parents to check their own eligibility criteria and source settings in their area via the Family Information Service website. The other module will enable the Information and Knowledge team to harness information on families based on family groupings which they have previously been unable to do.
- 3.3 It is proposed that the Contract should be established on a 1+1+1 basis.

### **4.0 Background Information**

- 4.1 Under current Government legislation, all three and four year old children are entitled to 570 hours of free early education each year. This must be taken across a minimum of 38 weeks or stretched across a maximum of 41 weeks. The maximum number of hours that can be taken in a week by any one child is 15.
- 4.2 Following on from the success of providers offering Free Early Education to three and four year olds, the Government now offers the same entitlement for two year olds who meet the eligibility criteria. This will result in an additional 4,500 places for 2 year olds by October 2015 in Leeds.
- 4.3 The successful purchase and implementation of the payments system from Tribal earlier this year has provided us with the option of purchasing additional modules which will make the process of establishing eligibility for 2 year olds easier for parents.
- 4.4 A list of potentially eligible parents is sent to the local authority from the DWP. A letter is then sent to parents of potentially eligible 2 year olds. Parents can either ring the Family Information Service or Children's Centres. All members of the Family Information Service team and 3 administrators in the larger Children's Centres have access to the Free School Meals eligibility checker (N.B. Not all criteria is checked by this system and if an initial search results in a negative result, it is important that non-financial eligibility criteria is also checked).

### **5.0 Main Issues**

- 5.1 The Tribal module it is proposed to buy will be housed on Tribal Parent Portal (previously known as ENROL) website which will be linked to the Family Information Service Website and will enable parents to check their own eligibility. If their eligibility is confirmed, the system will then enable them to print off a confirmation letter to take to their setting of choice, alongside a list of providers in their area. This will make the process much easier for parents to manage themselves. Again, it will be important to reiterate that if the check reveals that parents are not eligible they

should contact the Family Information Service to ensure they are not eligible under any other criteria.

5.2 The FSMB (Free School Meals Back Office) Module is designed to allow the Authority to download the results of parents' enquiries and batch record these against the children's records in the Synergy Case Management System. Additionally, the FSMB will allow the system to record family groups which will allow for increased ease of cross-referencing against the list provided by the DWP of potentially eligible parents to determine those who have not yet taken up the two year old offer. Finally, the FSMB module will enable the Authority to bulk check and record the eligibility of 3 and 4 year old children for the Early Years Pupil Premium (EYPP), providing an enormous time-saving year on year.

5.3 The Early Years Eligibility Checker module and the FSMB module are provided by Tribal as an addition to their existing early years offering and these modules integrate with the current system and database, adding another layer of information to existing child records. This information is retained and stays with a child's record, informing future practitioners of a child's history with the authority. The purchase of these modules will allow not only the parents to check their own eligibility but the authority to track take-up of the 2 year old offer in key areas, meet the targets set by the DfE and determine ongoing sufficiency needs. It will also enable the provision and tracking of the EYPP for 3 and 4 year old which is a new statutory responsibility from this April. Purchasing this module satisfies the Target Operating Model strategy favoured by Children's Services and will require a minimal implementation effort as the IM&T function is already familiar with the technology. There are no other providers who offer this technology with the ability to easily integrate with the current Tribal Synergy system. The Learning Implementation Solutions project is aware of this proposal and will include it in any future procurement plans.

5.4 It is important that wherever possible, the process of checking eligibility and taking up the 2 year old places is made as easy as possible for parents to ensure that the number of 2 year olds accessing free early education continues to build.

## **6.0 Corporate Considerations**

### **6.1 Consultation and Engagement**

All relevant stakeholders have been involved and consulted throughout this process. Stakeholders include: Information and Knowledge Team, Family Information Service, Head of Early Help, ICT and Finance, Internal Audit and Sufficiency, Capacity and Planning.

Regionally, the majority of neighbouring authorities who use Tribal Education Limited have used their start-up funding to add these modules to their existing systems. They have all received positive feedback from parents about the ease of checking their own eligibility.

### **6.2 Equality and Diversity / Cohesion and Integration**

See attached equality impact assessment.

### **6.3 Council Policies and City Priorities**

Early education benefits the social, physical and mental development of children and helps to prepare them for school. Evidence shows that regular, good quality early education has lasting benefits for all children.

The extension of FEEE to eligible two year olds is part of the government's 'Fairness Premium' to drive up social mobility and improve life chances. The targeting of this provision to tackle disadvantage is one of the core purposes of the Leeds Children and Young People's Partnership Plan and the aspiration to be a Child Friendly city.

#### **6.4 Resources and value for money**

The cost of implementing these modules would be: £17,250 (see attached estimate for break-down) plus £2000 support charge thus, a total cost of £21,250 over 2 years.

The cost of these modules will be covered out of the start-up/trajectory funding the authority received from the DfE to support creation, take-up and infrastructure associated with the development of places for 2 year olds.

#### **6.5 Legal Implications, Access to Information and Call In**

- 6.5.1 This decision is not subject to call-in. It is a significant operational decision, as required by contract procedure rules. There are no grounds for keeping the contents of this report confidential under the Access to Information Rules.
- 6.5.2 Awarding a contract directly to Tribal Education Limited 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.
- 6.5.3 Case law suggests that the Council should consider whether contracts of this value should be subject to a degree of European wide advertising. It is up to the Council to decide what degree of advertising is appropriate but consideration should be given to the subject-matter of the contract, its estimated value, the specifics of the sector concerned (size and structure of the market, commercial practices, etc.) and the geographical location of the place of performance.
- 6.5.4 The Director of Children's Services has considered this and is of the view that, due to the nature of the services to be delivered being relevant only to educational service provision in the UK and to the degree of synergy with existing applications supplied by Tribal Education Limited already in use at the Council, the scope and nature of the services is such that it would not be of interest to contractors in other EU member states
- 6.5.6 There is a risk of an ombudsman investigation arising from a complaint that the Council has not followed reasonable procedures, resulting in a loss of opportunity. Any complainant would have to establish maladministration. It is not considered that such an investigation would necessarily result in a finding of maladministration however such investigations are by their nature more subjective than legal proceedings.
- 6.5.7 Although there is no overriding legal obstacle preventing the waiver of CPR 8.1 & 8.2, the above comments should be noted by the Director of Children's Services in making the final decision as to the award of this contract and be satisfied that to do so represents best value for the Council.

## **7.0 Risk Management**

- 7.1 There is a risk that the local authority will miss out on the opportunity to access the funding attached to FEEE for eligible 2 year old children if the process of checking eligibility and finding childcare is not made as straightforward as possible for parents.
- 7.2 If it is made easier for parents to check their children's eligibility for themselves this may make vulnerable families more inclined to access free early education across the city. Whilst a significant number of families are willing to engage with the Local Authority, the harder to reach families who do not wish to contact us will be empowered to make these checks for themselves via the Family Information Service website.

## **8.0 Conclusions**

- 8.1 These minor additions to the system will be of great benefits to parents as it will make it possible for them to check their eligibility online.
- 8.2 The FSMB module will allow the authority to effectively and efficiently capture and record parent's eligibility both for the 2 year old offer and for the EYPP. For the 2 year old offer, this will enable the authority to track parents who have checked their eligibility but not taken up an offer as well as identify those parents who have not yet engaged with the authority around the offer. For the EYPP eligibility recording, this will greatly reduce staff effort in capturing, checking and recording eligibility as well as making the EYPP payments.

## **9.0 Recommendations**

- 9.1 The Chief Officer for Partnership Development and Business Support is recommended to approve the decision to waive contracts procedure rule 8.1 and 8.2 and purchase the 2 additional modules from Tribal Services to support the work around promotion and take-up of places for eligible 2 year olds.

## **10 Background documents<sup>1</sup>**

- 10.1 None

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<sup>1</sup> 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.