

**Report of Commissioning Programme Manager**

**Report to Deputy Director - Learning**

**Date: 19<sup>th</sup> June 2015**

**Subject: Waiver of Contract Procedure Rules**

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. Significant partnership work has taken place to identify a new approach across Leeds for the provision of appropriate learning provision for children and young people with social, emotional and mental health (SEMH) needs.
2. Part of the development work includes planning for future provision of special school and pupil referral unit places for young people in Key Stage 3 and Key Stage 4. As part of the development of the new provision external support is required to bring in specialist expertise and knowledge of working practices to deliver effective learning provision to meet the needs of the young people with high level behaviour support needs.
3. An external provider is required to work with LCC to help develop the authority's SEMH plan. The provider will consult in and offer expertise towards
  - Urgent improvement of the existing provision at Elmete Wood
  - Helping create the vision and strategy for SEMH provision
  - Developing a consortium of provision for learners with the highest level of need
  - Helping create a governance and partnership model

- Reviewing systems and structures to enable all Children's services to contribute to SEMH provision
  - Supporting the development of provision in schools across Leeds
4. There is a requirement to bring in external expertise quickly in order to make urgent improvements to provision in Leeds.

### **Recommendations**

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

*Contracts procedure rules No 8.1 and 8.2 – Intermediate value procurements*

and award a contract to **Wellspring** in the sum of **£80,000**. The contract shall commence on the **31<sup>st</sup> August 2015** and expire on the **31<sup>st</sup> August 2016**.

## **1 Purpose of this report**

- 1.1 To waiver contract procedure rules in order to award a contract to Wellspring without subjecting the matter to competition.

## **2 Background information**

- 2.1 Ofsted inspection of Elmete SILC in Sept 2014 identified the school as inadequate. Amongst other actions the report identified that in order to improve further the school would need to:

*Work closely with the local authority to ensure that:*

- *a full local authority review takes place as soon as possible and informs the proposed changes for high quality city-wide provision for children with behavioural, emotional and social difficulties*
- *the provision is able to meet fully the requirements of the students it serves, especially with regard to the quality of provision, resources, the curriculum on offer and learning needs, and the availability of specialist staff and therapeutic support*

- 2.2 Significant partnership work has taken place to identify a new approach across Leeds for the provision of appropriate learning provision for children and young people with social, emotional and mental health (SEMH) needs.
- 2.3 Part of the development work includes planning for future provision of special school and pupil referral unit places for young people in Key Stage 3 and Key Stage 4.
- 2.4 During the academic year 2015/16 work will take place to plan the new provision and establish clear systems and processes that will enable the provision to operate effectively as part of a continuum of support to meet the differing needs of young people. The provision will need clear working relationships with the Education Psychology team and the SENSAP team within Children's services as well as a relationship to the work undertaken by schools and Area Inclusion Partnerships to reduce / prevent exclusions.
- 2.5 As part of the development of the new provision external support is required to bring in specialist expertise and knowledge of working practices to deliver effective learning provision to meet the needs of the young people with high level behaviour support needs.
- 2.6 An external provider is required to work with LCC to help develop the authority's SEMH plan. The provider will consult in and offer expertise towards
- Urgent improvement of the existing provision at Elmete Wood
  - Helping create the vision and strategy for SEMH provision
  - Developing a consortium of provision for learners with the highest level of need
  - Helping create a governance and partnership model
  - Reviewing systems and structures to enable all Children's services to contribute to SEMH provision
  - Supporting the development of provision in schools across Leeds

## **3 Main issues**

### **Reason for contracts procedure rules waiver**

- 3.1. There is a requirement to bring in external expertise quickly in order to make urgent improvements to provision in Leeds. The most recent Ofsted review of the current school was clear that progress needs to be accelerated.

- 3.2. Wellspring currently manage effective delivery models in Barnsley and N E Lincs. They have been identified as an outstanding provider of educational provision for children and young people with social, emotional and mental health needs.
- 3.3. Detailed partnership discussion has taken place with DfE to agree this approach to development of suitable provision for children and young people requiring additional support on the behavior continuum, in order that they can engage in appropriate learning provision to meet their needs.

### **Consequences if the proposed action is not approved**

- 3.4. If we are not able to put this contract in place then we will not have access to the specialist expertise required to move forward with the development of learning provision for young people with complex SEMH needs.

### **Advertising**

- 3.5. This contract has not been advertised. It is below the threshold for EU procurement directive to apply.

## **4 Corporate considerations**

### **4.1 Consultation and engagement**

- 4.1.1 Initial conversations have taken place with Wellspring in order to scope the work and identify their capacity to deliver what is required.
- 4.1.2 The Elmete Interim Executive Board have been consulted on the decision to award this contract.

### **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 contract will contribute to the outcomes identified in the Children and Young People's Plan, specifically that children and young people do well at all levels of learning and have the skills for life.

### **4.4 Resources and value for money**

- 4.4.1. A contract will be awarded for 12 months starting on 31<sup>st</sup> August 2015. The maximum value will be £80,000. The expected contract value is £40,000 but a significant contingency has been allowed for to ensure the positive improvement of current provision and quality planning of a future arrangement. A larger maximum value has therefore been set out for this waiver.
- 4.4.2. The contract will be paid on a "call-off" basis, meaning that the company will be paid a daily rate for the work that is delivered. This means the actual spend will depend on the requirements of the Local Authority and the need identified by the I.E.B of Elmete Wood.
- 4.4.3. At this stage, the estimated phasing of the work under the contract and hence the associated costs, that the first £40k will fall within 2015/16 and the remainder as required in 2016/17. No

specific budget provision has been identified for this contract but will be committed and absorbed against the overall Learning Improvement budgets.

#### **4.5 Legal implications, access to information and call in**

4.5.1. This contract is not subject to Call In under the provisions made in the Council Constitution.

4.5.2. The decision is Significant Operational as this is a waiver of contract procedure rules. Contract Procedure Rule 27.2 states that any waiver of contract procedure rules will, as a minimum, be treated as a Significant Operational Decision.

#### **4.6 Risk management**

4.6.1 There is a minimal risk of challenge from other providers if this service is not exposed to competition.

### **5 Conclusions**

5.1 It is appropriate in the circumstances to waive contract procedure rules in order to award a contract to Wellspring without subjecting the matter to competition.

### **6 Recommendations**

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

*Contracts procedure rules No 8.1 and 8.2 – Intermediate value procurements*

and award a contract to **Wellspring** in the sum of **£80,000**. The contract shall commence on the **31<sup>st</sup> August 2015** and expire on the **31<sup>st</sup> August 2016**.

### **7 Background documents**

7.1