

Report of Commissioning Programme Manager

Report to the Director of Children's Services

Date: 1st February 2016

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. A consultant is required to take forward work on the Social, Emotional and Mental Health (SEMH) programme. The SEMH programme is high on the current agenda for Children's Services and urgently requires somebody with the relevant level of experience to produce the strategy for this multifaceted programme.
2. The overall project outcome is to produce an SEMH programme strategy. The expected outcomes to be delivered under this contract are:
 - To establish a structure for the SEMH programme; bringing health, social care, education and targeted services together
 - To make recommendations for implementation of a revised formula for High Needs Block funding and policies relating to this area of work
 - To establish the future role of Area Inclusion Partnerships
 - To produce an SEMH programme strategy and present this to Director of Children's Services.
3. AS has been identified by the service area as holding significant experience in this area as an Assistant Director of Children's Services, a head teacher at a SILC, head teacher of a primary school and also having secondary school teaching experience. Her knowledge and experience in the complex area of SEMH makes her the ideal person to deliver these outcomes within the short time frame that exists

Recommendations

4. The 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 **AS** in the sum of **£22,200**. The contract shall commence on the **8th February** and expire on the **29th April 2016**.

1 Purpose of this report

- 1.1 The purpose of this report is to seek approval to waive Contracts' Procedure Rules to enable Children's Services to enter into a contract with AS without subjecting the matter to competition.

2 Background information

- 2.1 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.
- 2.2 A consultant is required to take forward work on the Social, Emotional and Mental Health (SEMH) programme. The SEMH programme is high on the current agenda for Children's Services and urgently requires somebody with the relevant level of experience to produce the strategy for this multifaceted programme.
- 2.3 The consultant will work with the following stakeholders: Leeds City Council (LCC) Children's Services; Schools and Specialist Inclusive Learning Centres (SILCs) (including maintained schools and academies) and colleagues in Health services.
- 2.4 A consultant is required who is able to move forward quickly on this agenda, liaising effectively with the relevant stakeholders in order to build relationships between partners.
- 2.5 The overall project outcome is to produce an SEMH programme strategy. The expected outcomes to be delivered under this contract are:
- To establish a structure for the SEMH programme; bringing health, social care, education and targeted services together
 - To make recommendations for implementation of a revised formula for High Needs Block funding and policies relating to this area of work
 - To establish the future role of Area Inclusion Partnerships
 - To produce an SEMH programme strategy and present this to Director of Children's Services.
- 2.6 AS has been identified by the service area as holding significant experience in this area as an Assistant Director of Children's Services, a head teacher at a SILC, head teacher of a primary school and also having secondary school teaching experience. Her knowledge and experience in the complex area of SEMH makes her the ideal person to deliver these outcomes within the short time frame that exists.

3 Main issues

Reason for contracts procedure rules waiver

- 3.1. It has been identified that the Directorate needs to engage the services of an external organisation to undertake the work as there is a requirement for this work to be undertaken quickly. The work is required to commence immediately. The time required to undertake a competitive process for contract award is not available.
- 3.2. A contract will be awarded for 3 months. The consultant will be paid a daily rate of £600 including expenses, with a maximum contract value of £22,200.

Consequences if the proposed action is not approved

- 3.3. The project has been positioned to ensure there is a clear strategy to ensure appropriate learning provision is available for children and young people with social, emotional and mental health (SEMH) needs. The planning for future arrangements requires a partnerships approach between the local authority, schools and health. Without the work of the consultant there is a risk that Children's Services will not be able to put in place suitable arrangements that fit with the funding is available.

Advertising

- 3.4. This opportunity has not been advertised. It is below the threshold for EU directive.

4 Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Initial conversations have taken place with AS in order to scope the work and identify that she has the capacity to deliver what is required.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 The purpose of this contract is to facilitate discussions between the local authority, learning providers and health colleagues. The provider will not deliver direct services to children, young people or families so there will be no adverse equality impact to service users and the wider community in the delivery of this contract.

4.3 Council policies and best council plan

- 4.3.1 The project will contribute to the following Children and Young People's Plan priorities:
- Improve achievement and close achievement gaps
 - Increase numbers participating and engaging
 - Support children to have the best start in life and be ready for learning
 - Support schools and settings to improve attendance and develop positive behaviour

4.4 Resources and value for money

- 4.4.1. A contract will be awarded for 3 months, with a maximum total contract value of £22,200 and will fall substantially within 2015/16. The cost will be absorbed within the Learning Skills & Universal Services Management budget and will be funded from the Dedicated Schools Grant.
- 4.4.2. The contract will be paid on a "call-off" basis, meaning that the consultant will be paid a daily rate for the work that is delivered.

4.5 Legal implications, access to information and call in

- 4.5.1 This decision is not subject to call-in. It is a significant operational decision, as required by contract procedure rules.

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 AS without subjecting the matter to competition.

6 Recommendations

- 6.1. The 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 **AS** in the sum of **£22,200**. The contract shall commence on the **8th February** and expire on the **29th April 2016**.

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.