

## Report of Commissioning Team

### Report to Head of Service – Learning Improvement

Date: 1<sup>st</sup> July 2016

**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) 8 to award a contract without competition to B11 Education Ltd for the provision of Secondary Learning Improvement Advisors.
2. The contract will be for 12 months with an option to extend for a period of 12 months with such option not to be taken up more than once.
3. The consultants will be paid at a daily rate of £700, with an initial contract value of £35,000 and a maximum contract value of £70,000.
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 Head of Service – Learning Improvement is recommended to waive Contract Procedure Rules 8.1 and 8.2 to award a contract to B11 Education Ltd for the provision of Secondary Learning Improvement Advisors. Contract Procedure Rule 27 enables the Chief Officer to waive CPRs in exceptional circumstances.

6. The contract shall commence on the 1<sup>st</sup> September 2016 and expire on the 31<sup>st</sup> August 2017, with an option to extend for a period of 12 months with such option not to be taken up more than once.

## **1 Purpose of this report**

- 1.1 To seek approval to waiver CPR 8 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 on 1<sup>st</sup> September 2016, and expire on the 31<sup>st</sup> August 2017.

## **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 Education Ltd 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 Education Ltd has previously operated highly successful programmes in the local authorities of Bradford and Rochdale. B11 Education Ltd provides valuable support to the common school self-evaluation framework (SEF), based on the Ofsted inspection framework. B11 Education Ltd 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 Education Ltd 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 Education Ltd 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.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 Over the past two years, B11 Education Ltd have been delivering a model of school/academy review that provides rigorous and robust challenge; one that will represents credibility with school/academy leaders within the LA and the wider educational community, including Ofsted and DfE.
- 4.1.2 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 Education Ltd.
- 4.1.3 Consultation has taken place with B11 Education Ltd to identify that they are able to continue delivering the service required.
- 4.1.4 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 Best Council Plan**

- 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 contract will be for 12 months, with one option to extend for a further 12 months. In each year, it is anticipated that the service area will utilise a maximum 10 reviews (at 3 days each) and 20 additional expert days. The cost for each day of work is £700 which has remained unchanged since January 2014. This represents an initial contract value of £35,000 and a maximum contract value of £70,000 if the option to extend is exercised.
- 4.4.2 The value of the contract allows for a maximum of 50 days delivery per year. It is the service area's prerogative how the balance is achieved between the number of reviews and expert days, in order to allow the service to best meet the need.
- 4.4.3 There is provision within the 0 – 19 Learning Improvement service team budget, Learning Skills & Universal Services, for the cost of the contract in 2016/17.

### **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 8 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 Head of Service – Learning Improvement, 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 8 the above comments should be noted by the Head of Service – Learning Improvement in making the final decision as to the award of this contract being the best course of action for the Council. The Head of Service – Learning Improvement should be satisfied that this represents best value for the Council.

## 5 Conclusions

- 5.1 A waiver of Contract Procedure Rule 8 is required in order to enter into a contract with B11 Education Ltd for the provision of Secondary Learning Improvement Advisors.

## 6 Recommendations

- 6.1 The Head of Service – Learning Improvement is recommended to approve the waiver of the following Contracts Procedure Rule(s):

*Contracts Procedure Rules No 8.1 and 8.2 – Intermediate Value Procurement*

and award a contract to **B11 Education Ltd** in the sum of **£35,000**. The contract shall commence on the **1<sup>st</sup> September 2016** and expire on the **31<sup>st</sup> August 2017** with an option to extend for a period of 12 months with such option not to be taken up more than once, for a maximum contract value of £70,000.

## 7. Background documents<sup>1</sup>

- 7.1 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.