
Report of Head of Commissioning and Market Management**Report to Director of Children & Families****Date: 10 May 2017****Subject: Invocation of Contracts Procedure Rule 21 in order to extend the Academic Appointments 1:1 Tuition for Looked After Children contract for 12 months from 1 August 2017 – 31 July 2018**

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

The report outlines the request to extend the call-off contract with the current service provider to deliver one-to-one tuition for children/young people who are in care.

The current contract will expire on the 31st July 2017 and has the option to extend for 2 x 12 months. The Virtual College is seeking to take up the first of these extensions from 1 August 2017 at the same value of £150k.

Recommendations

The Director of Children & Families is recommended to invoke the provisions of Contracts Procedure Rule 21 and agree the extension of the contract with Academic Appointments for a period of 1 x 12 months.

Contracts Procedure Rule No 21.1 - contract extensions are only permitted if they are put in place before the contract expiry date and where the proposed extension is in accordance with the contract terms.

Contracts Procedure Rule No 21.2 – any contract extension must be approved by and dealt with by the relevant Chief Officer.

1 Purpose of this report

- 1.1 To request the approval of the Director of Children & Families to invoke the provisions of Contracts Procedure Rule 21 and agree the extension of the contract with Academic Appointments for a period of 1 x 12 months.

2 Background information

- 2.1 Having looked after status as a child is linked to a range of other issues that have a significant impact on outcomes for children and their families, e.g. substance misuse, poor emotional health and well-being, domestic violence, poor school attendance and attainment, worklessness, high levels of NEET (not in education, employment or training), youth offending, poverty, and teenage parenthood.
- 2.2 A challenge for Leeds is to “close the gap” in attainment between children who are looked after and their peers.
- 2.3 Private, one-to-one tuition, outside of school hours, is intended to raise the standards of achievement of children/young people in care by actively promoting their educational achievement. The aim of private tuition is to enhance the educational attainment of children/young people in care and to, as a minimum, bring their attainment levels in line with those of children/young people who are not in care.
- 2.4 Leeds City Council (LCC) has deployed the services of Academic Appointments through a sub contract to the Temporary Teachers and Supply Staff framework contract (LCC18677) to provide a 1:1 tuition service for looked after children.
- 2.2 The contact awarded to Academic Appointments runs for a period of 3 years from 1 August 2014 – 31 July 2017, with the option to extend for a further 2 x 12 months.
- 2.3 Contracts Procedure Rule 21.1 states that any contract may be extended before the expiry date where it is in accordance with its terms and proves to deliver Best Value for Money. Approval for such an extension shall be sought in a timely manner and supported by an appropriate Delegated Decision signed by the Relevant Chief Officer. A record of the approval process followed shall be kept on the Authorised Officers file for audit purposes.

3 Main issues

Reason for Contracts Procedure Rules Invocation

- 3.1 Current contractual arrangements are due to expire on 31 July 2017. The contract has the option to extend for 2 x 12 months within the terms and conditions, which we propose to take up
- 3.2 The extension will ensure continuity of provision throughout the 17/18 academic year and will formalise the agreement with Academic Appointments

- 3.3 The service continues to be required to bring the educational attainments of looked after children closer in line with those of their peers. The service supports all of the three children's obsessions for the city.
- 3.4 The current provider continues to deliver a quality service and over the term of the contract has developed a full database of tutors and is able to respond in a timely manner to service user requirements
- 3.5 The current provider (SME status) delivers that service at an hourly rate that is considerably lower than that of larger private organisation. This will be the fourth year of delivery at this hourly rate and so represents continuing value for money
- 3.6 During the term of this extension the service requirements will be reviewed, with a view to going out to competitive tender in 17/18

Consequences if the proposed action is not approved

- 3.7 The following consequences have been identified if a decision is not taken on arrangements for 2017/18
- The LA would not have service delivery models in place from August 2017 which ensures it is meeting its statutory duties.
 - Delays or difficulties in agreeing contract changes / variations with continuing contracts will impact on the ability to implement the chosen options for delivery.
 - Any delay in the awarding of the contract extension leads to an inevitable delay in payment. The proposed arrangement will ensure the process can be communicated well in advance of the end of the current contract and that we have clear contractual arrangements in place.

Advertising

- 3.8 These contracts have not been advertised through the OJEU open market process for the reasons outlined in Section 3.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Current service providers have been informed of the intention to extend their existing contract.
- 4.1.2 Discussions have taken place with all Heads of Service and Service Leads to confirm proposed contract arrangements for service delivery.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The extension of current contracts where contractual arrangements allow, means that the current service delivery model will continue. The service will be to the same client group. The decision to continue the delivery of current service arrangements will not have any adverse impact on any equality group.

4.3 Council Policies and City Priorities

- 4.3.1 This contract delivers against the priorities set out in the Children and Young People's Plan:
- Increase numbers participating and engaging
 - Improve outcomes for CYP with special educational needs and/or disability
 - Support children to have the best start in life and be ready for learning
 - Improve social, emotional and mental health and well being
 - Increase participation, voice and influence
- 4.3.2 These contracts also deliver against the Best Council Plan priority to become a Child Friendly city by delivering services which ensure:
- Children and young people are treated fairly and feel respected
 - Children and young people express their views, feel heard and are actively involved in decisions that affect their lives

4.4 Resources and Value for Money

- 4.4.1 The contracts represent Value for Money by:
- Reducing disruption to existing services by ensuring continuity with the current provider from August 2017.
 - Delivering a service at an hourly rate that is considerably lower than that of larger private organisation. This will be the fourth year of delivery at this hourly rate and so represents continuing value for money

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The Chief Officer Public, Private, Partnerships & Procurement, has advised that it would be lawful for the Council to invoke the provisions of Contracts Procedure Rule 21 in these circumstances, provided that the Director is satisfied that there are compelling reasons to do so, as set out in this report.
- 4.5.2 The value of the contract detailed within this report is below the level for key decisions as prescribed within the council's constitution and therefore are not subject to call-in.

4.6 Risk Management

The project team has identified any risks and actions to mitigate these as part of the commissioning programme plan for each service. Some of the risks identified are listed below.

- 4.6.1 In the event this invocation to extend and vary these existing contracts is not approved, LCC duties will remain and therefore alternative delivery arrangements will need to be put in place for August 2017.
- 4.6.2 There are no internal HR implications but a failure to act promptly will affect the capacity of contracted organisations to deliver against our priorities.
- 4.6.3 There will be no cost of living increase when the contract is extended, however the organisation will commit to maintain their existing service provision and existing terms and conditions of contract at the same rate hourly as was originally awarded
- 4.6.4 There is a minimum risk of challenge from other providers of 1:1 tuition. However, this risk is reduced as the provision to extend the contract was advertised when the initial contract was let.

5 Conclusions

- 5.1 The Director of Children & Families is requested to note the contents of this report and approve the invocation of the Contracts Procedure Rules as detailed in Section 1 of the report and as substantiated in Sections 2 and 3 of the report.
- 5.2 The recommendation contained in this report will ensure the positive outcomes demonstrated by the provision of one-to-one tuition, out of school hours, for looked after children will continue without a break in provision
- 5.3 Risk of challenge is mitigated by future plans for competitive tendering following a review of the service.

6 Recommendations

- 6.1 The Director of Children & Families is recommended to invoke the provisions of Contracts Procedure Rule 21 and agree the extension of the contract with Academic Appointments for a period of 1 x 12 months.

Contracts Procedure Rule No 21.1 - contract extensions are only permitted if they are put in place before the contract expiry date and where the proposed extension is in accordance with the contract terms.

Contracts Procedure Rule No 21.2 – any contract extension must be approved by and dealt with by the relevant Chief Officer.

7 Background documents¹

¹ The background documents listed in this section are available to download from the Council's

7.1 None

website, unless they contain confidential or exempt information. The list of background documents does not include published works.