

Report of – Head of Complex Needs

Report to: Deputy Director of Children and Families

Date: 17 August 2017



Subject: Request to waive Contract Procedure Rule 8 to award a new framework contract to teacher supply agencies, for the provision of one-to-one tuition service for children and young people with complex needs, without competition.

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 The report seeks to waive Contract Procedure Rule (CPR) 8 under the process set out in CPR 27.1 to award a call off framework contract, to deliver one-to-one tuition for children with complex educational needs who are not on school roll or supported by LCC pupil tuition team in Leeds for a period of twelve months to 31st August 2018.
- 2 A framework of three providers is currently delivering the service but the contract expires at the end of this month with no option to extend.
- 3 Delays in accessing the necessary officer resource has required the project to postpone procurement, hence the request for the waiver to maintain continuity in service provision.
- 4 A project team is working to scope the future needs of this service and a possible joint commission opportunity with LAC private tuition service for best outcomes by April 2018.

Recommendation

1. The Deputy Director of Children and Families Services is recommended to approve the waiver of CPR 8 under the process set out in CPR 27 to award a contract for the provision of 'Tuition for Children with Complex Needs Who Are Not on School Roll'. There contract will run for twelve months from 01/09/17 to 31/08/18 - at the cost of £185k, to ensure continuity of the service.

1 Purpose of this report

- 1.1 To request Deputy Director of Children and Family Services approval to waive CPR 8 to award a new call off framework contract with three agencies to deliver one-to-one tuition for pupils whilst a permanent school place is being sought to assist young people re-engage with school, adding capacity to LCC Special Education Needs Statutory Assessment and Provision (SENSAP) and Pupil Tuition teams (PTT) as and when needed.

2 Background information

- 2.2 The contract is in place so that children with complex needs moving into Leeds are not left without provision whilst they are placed on roll of a Leeds school. These pupils have relocated to Leeds from elsewhere in the UK or overseas, mid-academic year and require a school place, but are left without any provision whilst an appropriate place is sought.
- 2.3 These children and young people, who are likely to experience a delay in securing an appropriate place and/or secondary school pupils at Leeds schools, who following exclusion or maternity leave require one-to-one tuition for re-engaging in education.
- 2.4 As a result of this swift education provision input we expect that these vulnerable children/young people will achieve outcomes which otherwise would not have been possible.

3 Main issues

- 3.1.1 The current framework provision to provide tutors for one-to-one tuition is due to expire on 31st August 2017. The Complex Needs team sought to re-commission the service, following a competitive tendering process with the new contract commencing on the 1st September 2017. There is a continuing need for the service to meet the outcomes for vulnerable children and young people as highlighted in Children and Young People's plan, Vision for Leeds and many other policies.
- 3.1.2 A soft market test was conducted to see if there is any new appetite for this service locally and regionally, and the expressions of interest confirmed there is sufficient market interest and capacity.
- 3.1.3 Changes to the availability of procurement support mean that the original project time line is no longer achievable. The status of the contract requires a key decision and therefore procurement support.
- 3.1.4 The private tuition contract for Looked after Children (LAC), which also utilises one to one tuition to "close the gap" in attainment between children who are looked after and their peers ends on 31st August 2018. Providers of both one to one and LAC Tuition contracts are sourced from the same "Provision of Temporary Teachers Framework (LCC18677)" and an opportunity to jointly commission both services is being discussed.

- 3.1.5 A waiver to continue the service with the current contractors for twelve months will support the opportunity for joint commissioning and possible efficiency savings. It will also facilitate continuity of provision, enabling a level of flexibility and stability for the service.

3.2 Consequences if the permission to procure is not approved

- 3.2.1 The service will not be available to schools from September 2017 which may mean the opportunity to improve educational outcomes for vulnerable children, through one to one tuition development, may be lost in Leeds.
- 3.2.2 As there is no alternative provision for this client group, the provision will be bought on an ad-hoc, off contract basis which does not represent value for money.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 All providers within this framework have been notified of the possibility of a further six months contract; all would be happy to continue the provision.
- 4.1.2 Appropriate consultation and engagement was undertaken when the original contract was put in place and the project group includes representation from complex needs and children missing out on education and exclusions monitoring.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 Waiving CPR8 and invoking CPR27.1 means that the current service delivery model will continue. The service will be to the same client group at the same price. The decision to continue delivery of the current service arrangement will not have any adverse impact on any equality group.

4.3 Council policies and Best Council Plan

- 4.3.1 Providing one-to-one tuition for children and young people to raise their attainment will contribute to achieving the Children & Young People's Plan outcome: "Children and young people do well at all levels of learning and have the skills for life", specifically impacting upon the priorities to "Improve behaviour, attendance and achievement" and "Increase numbers in employment, education or training."
- 4.3.2 The contract will contribute towards the following policies which constitute the Council's policy framework:
- Vision for Leeds
 - Best Council Plan
 - Child Friendly City.

4.4 Resources and value for money

4.4.1 There is no current value for money concerns. The finance for this work is contained in the Complex Needs service budget and the value for 2017/18 is £185k.

4.4.2 On-going quality assurance of teachers provided by the successful service providers will be provided by the Pupil Tuition Team (PTT) with support from the Commissioning and Market Management Service. Part of the PTT Officer's role in supporting children/young people is to ensure providers meet requirements for safeguarding, quality and appropriateness of teaching and learning.

4.4 Legal Implications, Access to Information and Call In

4.4.1 Any decision to waive CPR 8 by the Deputy Director of Children's Services will be in accordance with CPR 27 and must be justified in the circumstances.

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

4.5 Risk Management

4.5.1 Through performance analysis, the project and contract management teams have identified risks and actions to mitigate these as part of the commissioning programme plan for the service.

5 Conclusions

5.1 These children and young people, who are likely to experience a delay in securing an appropriate place and/or secondary school pupils at Leeds schools, who following exclusion or maternity leave require one-to-one tuition for re-engaging in education.

5.2 One to one tuition input will help to enhance their attainment levels and enable these vulnerable children/young people to achieve outcomes which otherwise would not have been possible.

5.3 Approval to continue the framework contract with the current agencies will support the opportunity to jointly commission the Complex Education Needs and LAC one to one Tuition services and manage both services more effectively.

5.4 Maintenance of the current contract will avoid a gap and inequality in service provision, and allow the team the time to plan an effective competitive tendering of tuition services for these vulnerable groups.

5.5 The Council will be executing its statutory duty in procuring a call off framework contract to ensure the service continues without a break in provision.

6 Recommendations

6.1 The Deputy Director of Children and Families Services is recommended to approve the waiver of CPR 8 under the process set out in CPR 27 to award a

contract for the provision of 'Tuition for Children with Complex Needs Who Are Not on School Roll'. There contract will run for twelve months from 01/09/17 to 31/08/18 - at the cost of £185k, to ensure continuity of the service.

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.