



SCRUTINY BOARD (CHILDREN'S SERVICES)

Call-in Meeting to be held in Civic Hall, Leeds (Committee Room 4) on
Thursday, 8th January, 2009 at 12.30 pm *

(*No pre-meeting will take place)

MEMBERSHIP

Councillors

B Cleasby	-	Horsforth
G Driver	-	Middleton Park
J Elliott	-	Morley South
R D Feldman	-	Alwoodley
W Hyde (Chair)	-	Temple Newsam
B Lancaster	-	Moortown
J McKenna	-	Armley
V Morgan	-	Killingbeck and Seacroft
K Renshaw	-	Ardsley and Robin Hood
E Taylor	-	Chapel Allerton
C Townsley	-	Horsforth

Co-opted Members (Voting)

Mr E A Britten	-	Church Representative (Catholic)
Prof P H J H Gosden	-	Church Representative (Church of England)
Mr R Greaves	-	Parent Governor Representative (Secondary)
Mr I Falkingham	-	Parent Governor Representative (Special)
Mrs S Knights	-	Parent Governor Representative (Primary)

Co-opted Members (Non-Voting)

Ms C Johnson	-	Teacher Representative
Ms C Foote	-	Teacher Representative
Mrs S Hutchinson	-	Early Years Development and Childcare Partnership
Ms J Morris-Boam	-	Leeds VOICE Children and Young People Services Forum Representative
Ms T Kayani	-	Leeds Youth Work Partnership Representative

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A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded.)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting.)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p>Agenda item 7 – Appendix 2 of the report under Access to Information Procedure Rule 10.4 (3)</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstance shall be specified in the minutes.)</p>	
4			<p>DECLARATION OF INTERESTS</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence.</p>	
6			<p>CALL-IN OF A DECISION - BRIEFING PAPER</p> <p>To receive and consider the attached report of the Head of Scrutiny and Member Development.</p>	1 - 4
7		10.4(3)	<p>REVIEW OF DECISION – AWARD OF CONTRACT FOR THE DELIVERY OF CONNEXIONS SERVICES IN LEEDS: INFORMATION ADVICE AND GUIDANCE</p> <p>In accordance with Scrutiny Procedure Rules concerning Call In, to review a decision of the Acting Chief Officer for Early Years and Integrated Youth Support Services, taken on 18th December 2008 in relation to the contract for the delivery of Connexions Services in Leeds: Information Services and Advice.</p>	5 - 70
8			<p>OUTCOME OF CALL-IN</p> <p>In accordance with Scrutiny Board Procedure Rules, to consider the Board's formal conclusion(s) and recommendation(s) arising from the conclusion of the called-in decision.</p>	

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Report of the Head of Scrutiny and Member Development

Scrutiny Board (Children's Services)

Date: 8 January 2009

Subject: CALL IN OF DECISION – BRIEFING PAPER

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 INTRODUCTION AND BACKGROUND

- 1.1 In accordance with the Council's Constitution, an officer decision has been Called In.¹ The background papers to this particular decision are set out as a separate agenda item and appropriate witnesses have been invited to give supporting evidence.
- 1.2 This report advises the Scrutiny Board on the procedural aspects of Calling In the decision.
- 1.3 The Board is advised that the Call In is specific to the report considered under the officer delegation decision scheme and issues outside of this decision, including other related decisions, may not be considered as part of the Board's decision regarding the outcome of the Call In.

2.0 REVIEWING THE DECISION

- 2.1 The process of reviewing the decision is as follows:
 - Members who have requested the Call In invited to explain their concern/reason for Call In request.
 - Relevant Officer(s) asked to explain decision.
 - Further questioning from the Board as appropriate.

¹ Scrutiny Board Procedure Rules Paragraph 22

- 2.2 Members are reminded that it is only the decision Called In that the Board can make any recommendation on.

OPTIONS AVAILABLE TO THE BOARD

- 3.1 Having reviewed the decision, the Scrutiny Board will need to agree what action it wishes to take. In doing so, it may pursue one of three courses of action as set out below:

Option 1- Release the decision for implementation

- 3.2 Having reviewed this decision, the Scrutiny Board may decide to release it for implementation. If the Scrutiny Board chooses this option, the decision will be immediately released for implementation and the decision may not be Called In again.

Option 2 - Recommend that the decision be reconsidered.

- 3.3 The Scrutiny Board may decide to recommend to the decision maker that the decision be reconsidered. If the Scrutiny Board chooses this option a report will be submitted to the decision maker.
- 3.4 In the case of a delegated decision, the report of the Scrutiny Board will be submitted to the appropriate Officer within three working days of this meeting. The Officer will reconsider his/her decision and will publish the outcome of his/her deliberations on the delegated decision system. The decision may not be Called In again whether or not it is varied.

Option 3 - Recommend that the decision be reconsidered and refer the matter to full Council if recommendation not accepted.

- 3.5 This course of action would only apply if the Scrutiny Board determined that a decision **fell outside the Council's Budget and Policy Framework** and this determination were confirmed by the Council's Section 151 Officer (in relation to the budget) or Monitoring Officer (in relation to other policies).
- 3.6 If, at the conclusion of this meeting, the Scrutiny Board forms an initial determination that the decision in question should be challenged on the basis of contravening the Budget and Policy Framework, then confirmation will subsequently be sought from the appropriate statutory officer.
- 3.7 Should the statutory officer support the Scrutiny Board's determination, then the report of the Scrutiny Board will be presented in the same manner as for Option 2. If the decision maker accepts the recommendation of the Scrutiny Board in these circumstances, then the revised decision will be published in the same manner as for Option 2 and the decision may not be Called In again. If, however, the decision maker does not accept the recommendation of the Scrutiny Board, then the matter will be referred to full Council for final decision. Decisions of full Council may not be Called In.
- 3.8 Should the appropriate statutory officer not confirm that the decision contravenes the Budget and Policy Framework, then the report of the Scrutiny Board would normally be progressed as for Option 2 (i.e. presented as a recommendation to the decision taker) but with no recourse to full Council in the event that the decision is not varied. As with Option 2, no further Call In of the decision would be possible.

3.9 However, the Scrutiny Board may resolve that, if the statutory officer does not confirm contravention of the Budget and Policy Framework, then it should be released for implementation in accordance with Option 1.

4.0 FAILURE TO AGREE ONE OF THE ABOVE OPTIONS

4.1 If the Scrutiny Board, for any reason, does not agree one of the above courses of action at this meeting, then Option 1 will be adopted by default, i.e. the decision will be released for implementation with no further recourse to Call In.

5.0 FORMULATING THE BOARD'S REPORT

5.1 If the Scrutiny Board decides to release the decision for implementation (i.e. Option 1), then the Scrutiny Support Unit will process the necessary notifications and no further action is required by the Board.

5.2 If the Scrutiny Board wishes to recommend that the decision be reconsidered (i.e. Options 2 or 3), then it will be necessary for the Scrutiny Board to agree a report setting out its recommendation together with any supporting commentary.

5.3 Because of the tight timescales within which a decision Call In must operate, it is important that the Scrutiny Board's report be agreed at the meeting.

5.4 If the Scrutiny Board decides to pursue either of Options 2 or 3, it is proposed that there be a short adjournment during which the Chair, in conjunction with the Scrutiny Support Unit, should prepare a brief statement proposing the Scrutiny Board's draft recommendations and supporting commentary. Upon reconvening, the Scrutiny Board will be invited to amend/ agree this statement as appropriate (a separate item has been included in the agenda for this purpose).

5.5 This statement will then form the basis of the Scrutiny Board's report (together with factual information as to details of the Called In decision, lists of evidence/witnesses considered, Members involved in the Call In process etc).

5.6 The Scrutiny Board is advised that there is no provision within the Call In procedure for the submission of a Minority Report.

6.0 RECOMMENDATION

6.1 The Scrutiny Board is asked to note the contents of this report and to adopt the procedure as detailed within it.

Background Papers

None

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Not for Publication: Appendices to this report are exempt/confidential under Access to Information Procedure Rule 10.4.3 as stated in the report.

Report of the Head of Scrutiny and Member Development

Scrutiny Board (Children's Services)

Date: 8 January 2009

Subject: Review of Decision – Award of contract for the delivery of Connexions Services in Leeds: Information Advice and Guidance

Electoral Wards Affected: ALL

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 INTRODUCTION AND BACKGROUND

1.1 This paper presents the background papers to a decision which has been Called In in accordance with the Council's Constitution.¹

1.2 Papers are attached as follows:

- Copy of completed Call In request form
- The Delegated Decision Notification.

1.3 Appropriate Members and/or officers have been invited to attend the meeting in order to explain the decision and respond to questions.

2.0 RECOMMENDATION

2.1 The Scrutiny Board (Children's Services) is asked to review this decision and to determine what further action it wishes to take.

Background Papers

None

¹ Scrutiny Board Procedure Rules Paragraph 22

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CALL IN REQUEST

A Call In request may be made by:

- a) Any five non-executive Members of council, OR
- b) two non-executive Members of council if they are not from the same political group¹

Date of decision publication: 10/12/08

Delegated decision ref: D34722

Executive Board Minute no:OR

Area Committee Name and decision ref:

Decision description: To award a contract for the delivery of Connexions Services in Leeds: Information Advice And Guidance.

Reasons for Call In:

All requests for Call In must detail why, in the opinion of the signatories, the decision was not taken in accordance with the principles set out in Article 13 of the Council constitution (decision making) (principles of decision making) or where relevant issues do not appear to be taken into consideration. *Please tick the relevant box(es) and give an explanation.*

<input type="checkbox"/>	Proportionality (ie the action must be proportionate to the desired outcome)
<input type="checkbox"/>	Due consultation and the taking of professional advice from officers
<input type="checkbox"/>	Respect for human rights
<input type="checkbox"/>	A presumption in favour of openness
<input checked="" type="checkbox"/>	Clarity of aims and desired outcomes
<input checked="" type="checkbox"/>	An explanation of the options considered and details of the reasons for the decision
<input type="checkbox"/>	Positive promotion of equal opportunities
<input type="checkbox"/>	Natural justice

Explanation:

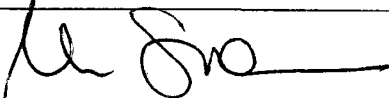
We the undersigned would like an explanation of how the criteria for scoring potential bidders was developed. Furthermore, we would like an explanation of how the successful organisation scored against these criteria and how officers taking this decision were reassured that the bid was robust.

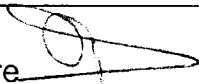
Furthermore, We would like more information on the make-up of the evaluation panel and how the winning bid was deemed to offer the best value for money.

¹ In the case of decisions made by Area Committees, a Member cannot count as one of the two / five signatures if they are a member of that Area Committee.

Leeds City Council Scrutiny Support Unit

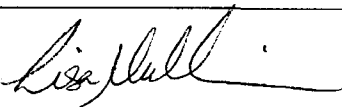
The following signatories request that the above decision be called in:

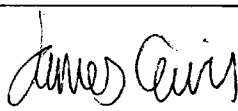
1) Signature  Political group
Print name P J GAVON


2) Signature  Political group
Print name.... J. A. DOWSON.

NB: Only two signatures are required if the councillors signing this form are not from the same political group (option b above).

For option a) continue to fill in the rest of the signatures.

3) Signature .
Print name.... LISA MULHERIN

4) Signature 
Print name..... JAMES LEWIS

5) Signature 
Print name.... B. P. ATHA

6) Signature
Print name.....

This form should be submitted to the Head of Scrutiny and Member Development (Scrutiny Support Unit, 1st Floor West, Civic Hall) by **5.00pm on the fifth working**

Leeds City Council Scrutiny Support Unit

For office use only: (box A)

Received on behalf of the Head of Scrutiny and Member Development by:

P. N. M. W.(signature)

Date: *23/12/08* Time: *2:15* SSU ref: *2008/9/10.34722-72*

For office use only: (box B)

Exemption status
checked:

Call In authorised: Yes / No

Date checked:

Signed:

P. N. M. W.

Signatures checked:

Date: *23.12.08*

Receipts given:

Validity re article 13

Receipt details:

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DELEGATED DECISION NOTIFICATION

REF NO ¹

D34722

SERVICE AREA

Children's Services

SUBJECT ²

To award a contract for the delivery of Connexions Services In Leeds: Information Advice And Guidance.

DECISION ³

COUNCIL FUNCTION	<input type="checkbox"/>	EXECUTIVE DECISION (KEY)	<input checked="" type="checkbox"/>	EXECUTIVE DECISION (MAJOR)	<input type="checkbox"/>	EXECUTIVE DECISION (OTHER)	<input type="checkbox"/>
NOT SUBJECT TO CALL IN		⁴ EXEMPT FROM CALL IN: NO		⁴ EXEMPT FROM CALL IN: YES / NO		NOT SUBJECT TO CALL IN	

The Acting Chief Officer for Early Years and Integrated Youth Support Services agreed the recommendation to award the contract to Prospects Ltd. for the delivery of Connexions Services In Leeds : Information Advice and Guidance.

AFFECTED WARDS

All

ADVICE SOUGHT

	Yes	No
Legal	x	
Finance	x	
Personnel	x	
Equal Opportunities	x	
Other (please specify)		

DECLARED OFFICER /
MEMBER INTERESTS⁵

None

¹ This reference number will be assigned by Governance Services and notified to you

² A brief heading should be inserted

³ Brief details of the decision should be inserted. This note must set out the substance of the decision, options considered and the reason for deciding upon the chosen option, although care must be taken not to disclose any confidential or commercially sensitive information. Guidance on the substance of the note is available from Governance Services

⁴ For Key and Major decisions only. If exempt from Call In details to be provided in the report. The Call In period expires at 5.00 pm on the 5th working day after publication. Scrutiny Support will notify decision makers of matters called in by no later than 12.00 noon on the 6th day.

⁵ No officer having a pecuniary interest in any matter should take a decision in relation to that matter. Other interests of a non-disqualifying nature should be recorded here.

DISPENSATION BY STANDARDS COMMITTEE

DATE: ...N/A.....

BACKGROUND PAPERS⁶

Tender Evaluation Report plus associated appendices.

CONFIDENTIAL REPORT

YES NO RULE NO 10.4⁷ (3) – **Appendices Only.**

DETAILS OF CONSULTATION UNDERTAKEN (OTHER REASONS/ ORGANISATIONS CONSULTED)

	Yes	No	Date
Executive Member	x		
Ward Councillors		x	
Chief Officers Affected	x		
Others (Specify)			

CONTACT PERSON

Gerry Hudson

CONTACT NO

2243653

AUTHORISED SIGNATORY⁸

 Sally Threlfall	DATE 9 th December 2008
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	KEY	MAJOR	OTHER
⁹ *First publication (5 day notice)	10/12/08		
Commencement for Call In	18/12/08		
Last date for Call In	24/12/08		
Implementation Date	29/12/08		

* If key decision not on Forward Plan, the reason and need that the decision be taken are that: :

⁶ A separate Index should be prepared if necessary. ALL DOCUMENTATION UPON WHICH THE DECISION WAS BASED MUST BE RETAINED AND BE READILY ACCESSIBLE SO IT CAN BE PRODUCED SHOULD THE DECISION BE CHALLENGED

⁷ Access to Information Procedure Rules

⁸ The signatory must be duly authorised by the Director to make the decision in accordance with the Department's scheme. It is not acceptable for the signature to be 'pp' for an authorised signatory. For Key Decisions only, the date of the authorised signature signifies that, at the time, the Officer was content that the decision should be taken. However, should representations be received following public availability of reports the signatory will consider the effect which such representations should have upon the final decision.

⁹ Governance Services will enter these dates

FROM: Procurement Unit
TO: JOINT PREVENTATIVE COMMISSIONING PANEL (JPCP)
ORIGINATOR: Strategic Procurement Manager
DATE: 5/12/2008
CONTRACT: CONTRACT FOR THE DELIVERY OF CONNEXIONS SERVICES IN LEEDS :INFORMATION ADVICE AND GUIDANCE

1. CONTRACT DETAILS

1. This contract is for the The Delivery Of Connexions Services In Leeds :Information Advice And Guidance
- 1.1. The approval to commission these services through a competitive tendering process was given by the JPCP at its meeting held in September 2007.

2. SELECTION AND TENDERING PROCEDURE

- 2.1. The procurement was conducted utilising the restricted procedure. This entails the issue of a pre qualification questionnaire (PQQ) which determines whether organisations have a track record in delivering the range and scope of services as required by the contracting authority.
- 2.2. The scheme was advertised in line with the requirements of the Councils contracts Procedure rules and expressions of interest were received from 7 Organisations.
- 2.3. The evaluation of the PQQ's was undertaken by the following officers and/or representatives of the following organisations :
 - Children Leeds Participation Unit representative
 - VCFS Representative
 - 14 – 19 team Education Leeds Representative
 - Colleges representative
 - IYSS representatives
 - Secondary Schools Representatives
 - Procurement Unit Representative (non scoring)
- 2.4. The evaluation was undertaken by assessing the responses of the organisations against the following criteria :
 - Financial Robustness
 - References
 - Equal Opportunities Policies
 - Technical ability to deliver the required services
 - Staff and Qualifications
 - Quality management and project competency
 - Health and Safety
 - Eligibility and professional conduct

2.5. The scores attributed to each organisation as a result of the evaluation of the PQQ are attached at appendix 1 – Evaluation Comments PQQ.

2.6. The shortlisted organisations were :

- Prospects
- Igen
- Better Choices
- Connexions Humber

2.7 It should be noted that on advice received from the Procurement Unit, no scores were carried forward from the evaluation of the PQQ and that all organisations would be judged on the basis of their tender submission against the established evaluation criteria.

3. TENDER EVALUATION

3.1. Tender documents were issued to the shortlisted organisations on 8/10/2008.

3.2. The bid documents consisted of a pricing document, terms and conditions of contract, IAG Specification, tender evaluation model, Connexions delivery Plan, LYWP service plan and terms and conditions attributable to the transfer of staff under the acquired rights directives (2006) known as the TUPE regulations.

3.3. The TUPE terms were included as the staff that were currently providing the service as employees of the current service providers would have the right to transfer their employment should new service providers be chosen. This included a number of staff who had a legacy of employment with the Council.

3.4. An open day was held in the Civic Hall on Thursday 9th October at which an overview of the key issues of the contract was given and how the contract linked into some of the strategic issues facing the city.

3.5. During the period of time when the bids were being constructed by the Shortlisted bidders, Connexions Humber indicated that they had made a decision not to submit a bid

3.6. The deadline for the receipt of bids was 12th November 2008 and the following bids were received :

- Igen
- Better Choices
- Prospects

3.7. The bids were evaluated on the basis of a price quality model, details of which are attached at appendix 2. This set the points to be awarded for the qualitative element of the bid at 1000 and the points awarded for the financial element of the bid at 1000.

- 3.8. The evaluation panel consisted of the following Officers and /or representatives of the following organisations :
- Children Leeds Participation Unit representative
 - VCFS Representative
 - 14 – 19 team Education Leeds Representative
 - Colleges representative
 - IYSS representative2
 - Secondary Schools Representatives
 - Children’s Services Unit Representative
 - Procurement Unit Representative (non scoring)
- 3.9. The evaluation panel were issued with the method statements submitted by each bidder in support of their proposals to run the services. They were also issued with the evaluation model to be utilised in respect of the review of the method statements. This is attached at appendix 2. The evaluation model also contained what were considered to be the key issues that the panel should identify within the method statements. These were then assessed by the individual members of the panel.
- 3.10. The panel then met on Monday 24th November to discuss their assessment of the bids and to arrive at a score for each element of the bids by consensus. The representative from the colleges and one of the secondary school heads were unable to attend this meeting and as such it was decided not to include their scores within the evaluation process, but that any comments they had made would be debated by the panel.
- 3.11. The organisations who had submitted the bids were invited to present the evaluation panel on Tuesday 25th November. They were asked to present to the panel on the following key areas
- Going up a league as a city – making Leeds an internationally competitive city, the best place in the country to live, work and learn, with a high quality of life for everyone
 - Narrowing the Gap between the most disadvantaged people and communities and the rest of the city.
 - Developing Leeds' role as the regional capital, contributing to the national economy as a competitive European city, supporting and supported by a region that is becoming increasingly prosperous.
- 3.12. The evaluation panel were also asked to take part in a number of exercises conducted by a young persons panel.
- 3.13. It should be noted that neither the presentation to the panel or the young persons panel were identified as scoring elements within the tender evaluation model, but were used to confirm the panels understanding and scoring of the bids
- 3.14. Support was also provided to the panel by relevant finance officers in respect of financial elements of the bid, IT Officers in respect of the interface of IT systems and the Safeguarding Officer in respect of the assessment of the bidders safeguarding policies. The safeguarding Officer rated the safeguarding policies of all 3 bidders as being sufficiently robust. No scores were apportioned in respect of the policies and as such the final scores in

the evaluation model reflect a score apportioned to each bidder against a grand total of 1970.

- 3.15. The scores were then entered into the evaluation model and were combined with the score allocated to the price submission and this gave an overall score for each bidder.
- 3.16. Prospects were the organisation that had scored the highest points against the evaluation model utilised in respect of this project.
- 3.17. Prospects were invited to a further meeting with panel held on Monday 1st December at which further questions were asked to confirm that the content of the bid was fully understood by the panel and that they were happy to recommend the award of the contract to prospects.
- 3.18. The bidder also clarified that in respect of the transferring staff it intended to seek membership of the West Yorkshire Pension Fund.
- 3.19. The evaluation panel also considered a number of key issues in respect of the mobilisation of the contract and it was agreed that a number of meetings would be required to be scheduled in respect of managing the transition period.
- 3.20. The full evaluation scores apportioned to all bidders are attached to this report at appendix 3
- 3.21. Interim notices have been issued to the unsuccessful bidders indicating an intention to contract with another organisation but that this is subject to the award following the required processes as prescribed within the Councils constitution.
- 3.22. The JPCP should note that should the recommendation be approved to award the contract to Prospects, then the official notification can be issued on or around 23rd December

4. AWARD RECOMMENDATIONS

- 4.1 The JPCP is recommended to award the contract to the Prospects who have scored the highest mix of quality and price in accordance with the completed evaluation models
- 4.2 It is proposed that the new contract will commence on 1st April 2009.
- 4.3 The JPCP is recommended to appoint an appropriate officer(s) to manage the transition period. This officer will be supported by an officer from the Procurement Unit to assist this process, particularly in respect of the TUPE implications of a service provider change.

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