

Report of: HR Business Partner

Report to: Chief Officer Human Resources

Date: 18th June 2019

Subject: Authorisation of a Waiver for the Supply of Teachers and Educational Staff Framework Agreement for Leeds maintained schools for a period of a year from 1st August 2019 until 31st July 2020

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: CPR 9.1 & 9.2 Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

This report sets out the case for waiving CPR 9.1 and 9.2 - High Value Procurements for the Supply of Teachers and Educational Staff Framework Agreement for Leeds maintained schools for a period of a year from 1st August 2019 until 31st July 2020. The current framework is for 4 years and is due to end on 31st July 2019.

The HR service are currently considering other options that may be put into place from August 2020 onwards.

Recommendations

That the Chief Officer Human Resources approves a waiver to award an interim Framework Contract for the supply of Supply Teachers and Educational Staff to Leeds schools.

1 Purpose of this report

- 1.1 To approve a Waiver to award a Supply Agency Framework to Academic Appointments Limited, A-Day Consultants Limited (trading as 'Academics'), Celsius Group Limited, Hays Specialist Recruitment Limited, Paragon Education Solutions Limited, Protocol Education Limited, Provide Education Limited and Randstad Education Limited for the provision of Supply Teachers and Educational Staff in Leeds Maintained Schools.
- 1.2 In order to facilitate this process CPR's 9.1 and 9.2 High Value Procurements - will need to be waived.

2 Background information

- 2.1.1 The current framework was set up as part of a request by schools that the authority make provision to reduce costs through economies of scale and provide a service which is robust in its monitoring of safeguarding and quality of staff.
- 2.1.2 The outcome of a rigorous full procurement tender exercise was the award of a framework in July 2015 for supply agencies to provide temporary teaching and teaching support staff for Leeds schools until July 2019. The framework was approved in respect of 8 agencies to provide supply staff for mainstream schools including: staff for special schools and children and young people with special needs; staff for 1-1 tuition in mainstream education; supply staff for 1-1 tuition for special needs and looked after children; and the provision of temporary staff for leadership in schools.
- 2.1.1 There has been a framework for the supply of temporary teaching staff to Leeds Schools since September 2008. Schools use agencies on a regular basis to provide absence cover for teaching staff and teaching support staff. Schools spend approximately £8 million per year on supply staff in total and around £4 million is spent on contract.
- 2.1.2 The framework has been successful and has enabled us to establish ongoing working practices and relationships with the agencies on the framework and more importantly to give schools a mechanism to report any issues, particularly around safeguarding and quality of staff and to enable the authority to intervene if necessary.
- 2.1.3 The ability to be able to offer a framework contract for supply staff to maintained schools has ensured the Authority is able to keep our children safe in education. The framework ensures that all agencies supply staff that comply with Leeds Safer Recruitment Policy, have effective management of resources, reporting and recording systems, strategies for working with schools causing concern and are able to respond to the changing needs of supply in schools. It includes the supply of staff that are representative of the community it serves, offer an out of hour's service and have a CPD programme for all supply staff.
- 2.1.4 The on costs charged by the agencies are capped under the terms of the Framework as are the temporary to permanent fees. The framework also includes a 1%

management fee which is paid by the school on each commission and then repaid to the Council creating an income stream.

3 Main issues - Reason for Contracts Procedure Rules Waiver

- 3.1 The current framework of eight agencies is due to end on 31st July 2019.
- 3.2 There is no scope to extend the current contract hence the decision to implement a waiver. Following authorisation of the waiver the Schools HR team will continue discussions to scope out further procurement options that will be put in place for July 2020.
- 3.3 Since the original framework was set up in 2015 there has been a significant change in the schools HR team and also the way in which Schools procure their HR support.
- 3.4 Offering a supply framework contract that schools can call up on puts the HR traded service in a more advantageous position to other private HR providers that are unable to do this, all be it that the contract is available to all maintained schools whether they be party to the HR SLA or not.
- 3.5 The current framework contract has provided a significant and valuable income stream for the HR traded service and research of the financial data available, conversations with Headteachers and the agencies themselves shows that the current framework contract is valued by schools.
- 3.6 Gaining authority to waive CPR's 9.1 and 9.2 – High Value Procurements and continue with the current framework for a further 12 months would allow the service to more actively manage and promote the framework better than in previous years. This will enable the service to consider how the current contract is performing, carry out further research with schools and take more consideration of the strategy going forward and consider if there is an appetite from schools to re-procure in the future.
- 3.7 As part of the internal review process a number of other procurement options were considered including:
- Allowing the contract to lapse and allowing schools to procure their own supply.
 - Using an existing framework such as the Crown Commercial Services
 - Join an existing council contract that is currently used for the supply of agency staff across the Council
 - Carry out a new procurement exercise

There was a variety of reasons why these options are not viable at this time as described in 3.5. These options will be considered further if there is a decision to re-procure in 2020.

Consequences if the proposed action is not approved

- 3.7 If the waiver is not approved this could result in the Council losing an income for the year 19/20 of around £60,000 along with the risk that schools may be then forced to

use agencies that have less stringent safeguarding controls in place potentially putting children at a risk of harm.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The original procurement process consisted of an extensive consultation and engagement exercise with maintained schools and Trade Unions.
- 4.1.2 More recently we have discussed the framework in in the Children's Joint Consultative Committee (JCC).

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The original evaluation included a rationale by the agencies as to the methods they will use to recruit temporary staff which reflected the demography of the city, encourage diversity in recruitment, have due regard to equality and diversity and to ensure that positive action may be taken to address under representation of any particular workforce groups. All the agencies had to have an Equalities policy and be able to demonstrate safer recruitment.
- 4.2.2 Agencies were asked to provide method statements and plans detailing how they will provide and maintain an Equality Plan in respect of the services.

4.3 Council Policies and Best Council Plan

- 4.3.1 This Framework is needed to ensure that the Council can uphold its statutory duty to keep children safe in education, and to carry out part of the Authority's commitment to promote a 'Child Friendly City' and improve educational attainment and achievement for children and young people .

4.4 Resources and Value for Money

- 4.4.1 The HR traded service received an average income from this contract of around £50,000 per annum via a 1% rebate of the management fee
- 4.4.2 When the framework was tendered in 2015 the suppliers Academic Appointments Limited, A-Day Consultants Limited (trading as 'Academics'), Celsian Group Limited, Hays Specialist Recruitment Limited, Paragon Education Solutions Limited, Protocol Education Limited, Provide Education Limited, and Randstad Education Limited were the most competitive bidders. Over the forthcoming academic year the service intends to monitor the framework more effectively and work better in partnership with these providers to ensure that income is tracked and collected on a more regular basis to create a steady income stream.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 This decision is not subject to call-in as the estimated income to the Council is around £50,000 per annum. There are no grounds for keeping the contents of this report confidential under the Access to Information Rules
- 4.5.2 Awarding this framework directly to the other providers could leave the Council open to a potential claim from other providers, to whom the framework could be of interest.
- 4.5.3 The Chief Officer HR has considered this and due to the nature of the services, the need to maintain a consistent and safe levels of schools supply staff across Leeds maintained schools she is of the view that it would not be of interest to contractors in other EU member States for the interim period.
- 4.5.4 Although there is no overriding legal obstacle preventing the waiver of CPRs 9.1 and 9.2, the content of the report should be noted. In making their final decision, the Chief Officer HR should be satisfied that the approved course of action represents best value for the council.

4.6 Risk Management

- 4.6.1 If the waiver is not approved this would mean that Leeds maintained schools could procure supply staff from a variety of different suppliers, which has the potential to increase the safeguarding risk since these staff may not have undertaken rigorous safeguarding evaluations required as part of the framework requirements.

5 Conclusions

- 5.1 As outlined in the report, a waiver of CPRs 9.1 and 9.2 High Value Procurements is necessary to award an interim Supply Agencies Framework Agreement for the provision of supply staff for the benefit of Leeds maintained schools.
- 5.2 This is a relatively short term arrangement with no impact on service users.

6 Recommendations

- 6.1 That the Chief Officer Human Resources approves a waiver to award an interim Framework Contract for the supply of Supply Teachers and Educational Staff to Leeds schools.

7. Background Documents

N/A