

**Report of Head of Service, Intelligence and Policy Service**

**Report to Chief Officer – Strategy and Improvement**

**Date: January 2020**

**Subject: Annual procurement of pupil level data sets and analysis tools**

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 paper seek waivers of contract procedure rules in respect to annual attainment data sets purchased by the local authority.
  - ALPS – Alkemygold Limited – A/AS level Key Stage 4 and Key Stage 5 analysis reports
  - FFT – FFT Education Ltd – Pupil level analysis and projection of progress in learning
  - NCER – National Consortium of Examination Results CIC – Analysis of Key Stage results in primary schools and at Key Stages 4 and 5 in secondary schools.
2. These are standard data sets and intelligence tools used by schools and local authorities nationally. They have been purchased over a number of years. Their usefulness is reviewed with school improvement colleagues annually.
 

Historically these were purchased by the local authority and shared with schools. Costs are now recovered from schools, and in the 2016-17 financial year we increased the fee for schools to cover some of the staff costs associated with administering these systems and providing support to schools in using them. These data sets are used by the local authority for school and learning improvement purposes.
3. This waiver request seeks approval to renew the contract with Alkemygold Limited, FFT Education Ltd, and NCER.
4. Costs are as follows:

- The FFT contract costs approx. £67037.90 (excluding VAT).
- The ALPS contract is likely to cost around £12,000. The exact price for this contract is not known yet because the charging model for this product is based on a cost per school that is calculated on number of pupils taking each particular type of qualification (the cost varies by A level / AS level / BTEC). The cost varies depending on take-up by schools in 2020-21 and the number of pupils on roll for each qualification, but the LA is only charged for the schools that actually subscribe and we recover all these costs from schools. With this contract the LA is in effect acting as an agent, enabling schools to buy a product at a cheaper price than they could otherwise do so, thereby spending money wisely across the education sector in the city. Schools are charged at the cost price charged to the LA, we do not add any premium onto this as we have no administrative overheads associated with this product.
- The NCER contract is £25869.37 (excluding VAT). A portion of this NCER charge (£2520.72) covers our subscription to specific analysis around learning outcomes for looked after children. This cost is not charged back to schools but instead is met by the Virtual School, funded via pupil premium plus.

### **Recommendations**

5. The Chief Officer – Strategy and Improvement is requested to approve the waiver of contract procedure rules in order to facilitate award of the contract to the current providers (waiver of CPR 9.1 & 9.2, as per CPR 27.2). The waiver is requested to run for the 2020-21 financial year, with options to extend for one further period of 12 months.

## **1 Purpose of this report**

- 1.1 To seek waivers for the ongoing procurement of annual data sets relating to pupil progress and attainment so that information can be used to inform school improvement strategies and to that data can be made available to schools, with costs recovered.

## **2 Background information**

- 2.1 It is important for learning providers to have a comprehensive understanding of academic year performance, both at school and local authority level. These data sets have developed over time to meet sector needs reflecting changes in national policy and direction, they are based on data made available through government. They have also developed in terms of functionality.
- 2.2 NCER provides early analysis of the previous academic year for primary schools and at KS4 and KS5 for secondary schools and colleges. ALPS is relevant to KS4 and KS5 in secondary schools and colleges. FFT is a more complex tool that also looks forward and predicts future outcomes of current cohorts based on their characteristics and previous school performance. It challenges expectations and is used to set future ambitions for school performance.
- 2.3 The 2015/16 academic year was the start of a period of extensive reform in assessment and accountability arrangements for both primary and secondary schools. Pupils in primary schools took new tests for the first time and schools had the outcomes of those tests reported in a new format. In 2016 pupil took the last set of unreformed GCSEs, but outcomes against these qualifications for schools were reported using a new set of performance indicators. In 2017 pupils in secondary schools took the first set of reformed GCSEs and outcomes were reported using a new 9-1 scales that replaces the well-known A\*-G scale. Everyone in the education sector is adjusting to these new arrangements, and so it is vital that we have the data tools to enable us to understand what the impact of these changes have been for Leeds schools, and to allow us to contextualize our relative performance.
- 2.4 While school governance arrangements have changed with academies and free schools, local authorities continue to provide a middle layer between the schools and the provider that aids effective distribution of the datasets. This also enables the LA to access the data for the children and young people within its area.
- 2.5 Changes in national funding of education are reflected with costs now effectively being recovered from schools. For the NCER and FFT offers, the LA does take a risk on whether or not it can recover costs as schools may opt not to buy. In 2016-17, we increased the price to take account of our staff cost in setting up and maintaining the systems, and overall relatively few schools chose to unsubscribe following this price rise. For ALPS there is no equivalent risk as we only buy on behalf of schools who want this product; there is no up-front purchase for all schools as is the case with NCER and FFT. At primary level, school interest remains at close to 100%, and has also been high in the secondary sector with almost all schools taking at least one product.
- 2.6 The value of the data sets is annually reviewed with senior school improvement colleagues, taking on board feedback from schools. The Learning Skills and Universal Services (LSUS) senior leadership team have confirmed their ongoing support for the use of these tools and agreed that even at the increased rate, these represent good value for money for schools. Opportunities for broader use of the tools across children's services are being developed. These are common tools used nationally and are developed in conjunction with the sector.

- 2.7 In 2016/17 the NCER commissioned additional development work to report on learning outcomes for looked after children. This charge was met by the Virtual School, and the reports have been highly valued by the Virtual Headteacher. These have enabled her to share data on learning outcomes for this group at an earlier point than in previous years and they have also created a substantial time-saving for children's performance service staff who without these tools would have to undertake this analysis manually. The 2020/21 NCER subscription includes a charge of £25869.37 (excluding VAT) for ongoing membership of this development. This cost is not charged back to schools, but is met by the Virtual School.
- 2.8 At the end of July 2017 the DfE ended the contract for RAISEonline. This web-based service was a longstanding DfE and Ofsted-funded tool that has been used by both schools and Ofsted inspectors. The reports contained similar analysis to that supplied by FFT and NCER but tended to be published much later (for example around four months later than primary schools receive provisional data using the NCER-supplied tool), and so was of less practical use for schools. Nonetheless schools used the analysis for self-evaluation and to prepare for inspection, and inspectors used RAISEonline reports to inform their hypotheses about school performance before they begin an inspection.
- 2.9 The replacement to RAISEonline came into effect in July 2017 and is called Analyse School Performance. This is a much smaller system than its predecessor, as the DfE now takes the view that it is not the role of government to be the supplier of IT infrastructure enabling evaluation of learning outcomes. It has therefore supplied a much reduced system built in-house, with the view that a market develops from which schools and LAs can buy products (such as the ones described in this report) to enhance their ability to use data for raising attainment. The DfE has given accreditation to a range of providers to create data analysis and insight tools and sell these to schools.
- 2.10 Analyse School Performance is free, but does not contain downloadable LA-level data sets (as RAISEonline did). The LA is therefore in a vulnerable position if it does not buy these datasets through FFT and the NCER, as if we rely only on the DfE's freely provided tool, we will be unable to carry out the analysis required to support the learning improvement service. The learning improvement service now operates on a full-cost recovery basis, and so if we cannot support the intelligence needs of this service, then this jeopardises traded income to the council.

### **3 Main issues**

#### **Reason for Contracts Procedure Rules Waiver**

- 3.1 These are established sector tools developed over a number of years for their specific purposes. Their usefulness and value for money is regularly reviewed as is the combination of resources needed. The fact that costs are recovered from schools minimizes the cost to the LA and validates the recognised value of the tools.
- 3.2 The specific nature of the products, their development being in conjunction with the sector and the commitment of local schools warrants continued procurement, which is the permission being sought through these waivers.

#### **Consequences if the proposed action is not approved**

- 3.3 Without these data sets our commitments to schools will not be met and schools would need to procure these resources directly. The costs to the city would be higher if all schools still procured them without going through the LA, given reductions are in place for the LA acting

as the local agent. For example, the equivalent cost if all Leeds schools took out a subscription direct with FFT would be considerably higher; so the saving to the Leeds pound is significant. If schools don't procure, the LA is not directly aware and would have concerns on those schools' level of self-awareness and vulnerability to poor Ofsted judgements.

- 3.4 The LA would have less intelligence on local school performance and the underlying trends in city educational performance. Due to the end of the RAISEonline contract, there would be no ability to replicate this work locally as buying data sets is our only route to obtaining this data.

### **Advertising**

- 3.4 These are sector tools developed over time between the providers, LAs and schools. There are choices about the offer from each provider and the combination of resources procured, accepting that they are complimentary to each other. They are premised on being used by a majority of LAs and schools nationally. The most natural alternative is for LAs to do their own models but this is proving not sustainable or as up to date as national models. There are choices of what is taken but there is not a competitive market in which to advertise.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 There is annual review of the procurement of these data sets. This involves discussions with learning improvement colleagues including on their experiences with schools, in addition to the value to the local authority. Dependent on the decisions needed each year this conversation can be widened to include representative schools. Every year briefings to headteachers are undertaken, offering the opportunity for feedback. Fundamentally schools are recharged for a proportion of the cost and are written to with the offer each year and have the choice to sign up or to opt out. There are forums for performance colleagues from across regional LAs where views on the value of the data are also shared.

### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 Making these intelligence tools available to schools and the LA supports the LA's equality duty. These tools inform a robust analysis of progress and attainment in learning including differences between genders, ethnicities, children with special education needs, those who do not speak English as a first language and those where poverty is a factor. They allow matching of vulnerable cohorts with their learning outcomes. Not utilising resources like this could weaken the ability of the council to fulfil its equality duty in this area. Developing a better understanding of outcomes for vulnerable learners and drawing up plans to narrow these attainment gaps is an increasingly important area of work for children's services, as well as being an ambition that unites services from both the universal and the targeted and specialist areas of the directorate. The recent Ofsted and Care Quality Commission's inspection of the local area's support for children with SEND highlighted the need for child level data, some of which is provided by these data sets.

### **4.3 Council Policies and City Priorities**

- 4.3.1 *Do well at all levels of learning and have the skills they need for life* is a city outcome to support our vision for a Strong Economy and Compassionate City. There is an equivalent outcome in the Children and Young People's Plan 2018-23. The intelligence tools support these outcomes and are especially useful in terms of strategies and targeted approaches to addressing equality gaps in learning outcomes.

## **4.4 Resources and Value for Money**

- 4.4.1 Procurement by the LA reduces the Leeds pounds spent by the city on these resources. The passing on of costs to schools adds an additional check on the value for money of the resources, it also reduces the cost to the LA as support in kind as facilitator.

## **4.5 Legal Implications, Access to Information and Call In**

- 4.5.1 The value of the contracts detailed within this report are below the level for key decisions as prescribed within the council's constitution and therefore this decision is not subject to call-in.
- 4.5.2 Giving the work to these providers without competition 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. In terms of transparency it should be noted that Contracts Procedure Rules suggests that contracts of this value should be subject to a degree of advertising. It is up to the Council to decide what degree of advertising is appropriate. In giving the work to these providers without competition there is a potential risk of challenge from other providers who have not been given the chance to tender for this opportunity.
- 4.5.3 Whilst there is no legal obstacle preventing the waiver of CPR 9.1 and 9.2, the above comments should be noted when making the final decision, the Chief Officer – Strategy and Improvement should be satisfied that the course of action chosen represents Best Value for the Council.

## **4.6 Risk Management**

- 4.6.1 The risks of not going ahead are outlined in 3.3 and 3.4. There is a risk that the LA does not fully recover the costs from schools. There has been no significant drop off in school take up and this is mitigated by annual review of this risk. The learning improvement service is aware of the risk and it is agreed the benefits outweigh the minor financial risk.

## **5 Conclusions**

- 5.1 The data sets detailed here are key intelligence resources, used and developed over a period of time. Their value to the LA and schools is regularly reviewed and is consistent with the strategic priorities for the city. There is a partnership approach to procurement involving in-kind and financial resources from schools and LA. The direct financial cost to the LA is in all likelihood nothing, and, if subscriptions remain at the rate of the year before, it will result in income-generation.

## **6 Recommendations**

- 6.1 The Chief Officer – Strategy and Improvement is recommended to approve the waiver of the following Contracts Procedure Rule *No 9.1 and 9.2* and award a contract to Alkemygold Limited in the sum of £12,000 (estimate), FFT for the sum of £67,037.90 and NCER for the sum of £25,869.37. Contracts are reviewed annually and are in place for a financial year at a time. Alkemygold Limited runs from 1 August to 31 March, or to the completion of services.

## **7 Background documents**

None.