

Report of: Governor Support Services Manager

Report to: Director, Children and Families

Date: 23rd February 2021

Subject: Authority to waive CPR 8.1 and 8.2 to award a contract to The Key Support Services for access to the Governor Support Hub

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<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
Will the decision be open 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

1. Main issues

- School governing bodies that have service level agreements with the Governor Support Service (GSS) are given access to the online 'The Key for Governors' portal which provides information and training for governors.
- An assessment of this service was being undertaken by a DIS Solutions Architect to review the best option for the long term provision of this and the governor database.
- The contract with The Key Support Service ends on 31st March 2021. The Covid-19 pandemic paused the review, and it is now necessary to enter into a one year contract with the provider to maintain access to the service and complete a full procurement.

2. Best Council Plan Implications

- Improving educational attainment and closing achievement gaps for children and young people vulnerable to poor learning outcomes

3. Resource Implications

- The value of the contract to 31st March 2022 is £52,250 which is fully covered by income from schools that are signed up to an SLA with the Local Authority.

Recommendations

The Director of Children and Families is recommended to approve:

Waiving of Contract Procedure Rules no 8.1 and 8.2- intermediate value procurement, and award contract to Key Support Services Ltd in the sum of £52,250 for 12 months from April 2021

Purpose of this report

1. Background information

- 1.1 'The Key' platform provides extensive information to school governors on their role, current legislation, and how best to support the performance and development of their school. By including access to the platform in the SLA, GSS officers were freed from having to answer a range of basic queries from school governors, and in turn governors had access to information 24 hours a day.
- 1.2 The GSS is a traded service and receives income from schools to support and administer their governing bodies. The cost of the contract is covered by this income.
- 1.3 The report seeks the authority of the Director, Children and Families to enter into a contracts with Key Support Services Ltd in the sum of £52,250 for 12 months from 1st April 2021 to maintain access to the governor information portal for the 200+ governing bodies contracted with the GSS under service level agreements.

2. Main issues

Reasons for a Contracts Procedure Rules Waiver

- 2.1 In February 2020, a Solutions Architect was appointed by DIS to review both the online portal and the governor database contract and make a recommendation on the best way to secure longer term provision, either through one or more long term contracts with a portal / database provider or build a new bespoke database in house.
- 2.2 The review was paused due to the Covid-19 pandemic and the delayed roll out of the Microsoft 365 platform on which a new internal database would be built. The Solutions Architect has recommended that both contracts be extended for 12 months to allow further investigation on the database options, and complete a full procurement for a long term contract for the information portal.

Consequences if the proposed action is not approved

- 2.3 If the contract is not awarded, the Council will be in breach of its agreement with school governing bodies who pay for access to the portal. Ultimately the Council risks loss of income from schools withdrawing from their agreements if we cannot provide a high quality service.

Advertising

- 2.4 There is no proposal to undertake a formal tendering exercise for the service due to the reasons set out in this report.

3 Corporate considerations

3.1 Consultation and engagement

- 3.1.1 Governors have been consulted on their use of The Key and they are very satisfied with the website.

3.2 Equality and diversity / cohesion and integration

- 3.2.1 There are no specific equality and diversity considerations relating to this contract. Having information accessible online can be preferable for some people with additional needs. The Governor Support Service will continue to provide accessible information to governors if they prefer for whatever reason.

3.3 Council policies and the Best Council Plan

- 3.3.1 The Governor Support Service and the provision of a database and online portal helps schools deliver the Best Council Plan priority of 'Improving educational attainment and closing achievement gaps for children and young people vulnerable to poor learning outcomes'.

Climate Emergency

There is no expected impact on the climate for this contract as the service is fully online.

3.4 Resources, procurement and value for money

- 3.4.1 The procurement represents value for money as the online portal will provide all governing bodies that work with the GSS good quality advice guidance and support and answers to questions 24 hours a day 7 days a week. This could not be provided internally by the GSS, and costs are in line with the market average.

3.5 Legal implications, access to information, and call-in

- 3.5.1 The decision is a significant operational decision and is not subject to call-in. The report does not contain any exempt or confidential information.

- 3.5.2 Awarding contract directly to the provider in this way could leave the Council open to a potential challenge from other providers to whom this contract could be of interest. The contract falls within the supply and service under the Public Contracts Regulations 2015 (Regulations). The total value of the contract is below the threshold set down by the Regulations.
- 3.5.3 It is up to the Council to decide what degree of advertising is appropriate. In particular, consideration should be given to the subject-matter of the contract, its estimated value, the specifics of the sector concerned (size and structure of the market, commercial practices, etc) and the geographical location of the place of performance.
- 3.5.4 The Director of Children and Families has considered the nature of the services being delivered, and relatively low value of the contract being offered. In giving the work to this provider without competition there is a potential risk of challenge from other providers who have not been given the chance to tender for this opportunity.
- 3.5.5 There is a risk of an ombudsman investigation arising from a complaint that the Council has not followed reasonable procedures, resulting in a loss of opportunity. Obviously, the complainant would have to establish maladministration. It is not considered that such an investigation would necessarily result in a finding of maladministration however such investigations are by their nature more subjective than legal proceedings.
- 3.5.6 Although there is no overriding legal obstacle preventing the waiver of CPR 8.1 and 8.2, the above comments should be noted. In making their final decision, the Deputy Director of Children and Families should be satisfied that the course of action chosen represents best value for the Council.

Risk management

- 3.5.7 The main risk of not awarding the contract is the Council being in breach of its agreement with governing bodies to provide access to the online platform. Without the platform in place to provide advice to governors, the GSS would not have the capacity to provide the information and continue to deliver consultancy and training at the current level.

4 Conclusions

- 4.1 The Covid-19 pandemic has disrupted plans to formalise long term arrangements for this contract. It is necessary to enter into a twelve month contract to undertake a procurement for a long term online portal service.

5 Recommendations

The Director of Children and Families is recommended to approve:

- Waiving of Contract Procedure Rules no 8.1 and 8.2- intermediate value procurement, and award contract to Key Support Services Ltd in the sum of £52,250 for 12 months from 1st April 2021

6 Background documents¹

6.1 None.

7 Appendices

8.1 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.