

Directly award a contract to St Giles Trust for employment of Education Inclusion Mentors as part of the Leeds SAFE Taskforce

Date: 28th November 2022

Report of: Commissioning Manager - Children & Families

Report to: Chief Officer (Resources & Strategy)

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

The DfE made available grant funding to establish SAFE Taskforces in 10 local authority areas across the country, as part of the cross-government Beating Crime Plan published in July 2021, which announced investment in specialist support in schools in serious violence hotspots to support young people at risk of involvement in violence to re-engage with education. Leeds City Council will receive total grant funding of £3.7 million over three years (2022/23 – 2024/25).

A key decision was taken on 28th July 2022 (D55487) to enter co-operation agreements with schools for them to employ Education Inclusion Mentors (EIM) as part of the Leeds SAFE Taskforce programme.

Recruitment for the EIM's was undertaken and unfortunately did not attract sufficient number of applicants for all 19 EIM positions to be appointed to. The SAFE Taskforce have therefore had to consider alternative options in order to fill the remaining vacancies. The project plan is for all EIM's to be in place in January 2023 as the project ends in March 2025 and there are targets to achieve linked to the external funding. It is therefore imperative that an urgent solution is found.

St Giles Trust have recently been awarded a contract (D55724) to deliver a programme of work associated with the Leeds SAFE Taskforce. The programme includes: pro social skills CPD training for schools and young people; a bespoke package of training and support for Educational Inclusion Mentors; and targeted after-school provision. St Giles Trust deliver mentoring provision in a number of Local Authority areas and in some schools in Leeds.

As a result of the challenge in recruiting EIM's St Giles were approached to explore the possibility of commissioning them to recruit and employ some EIM's as part of the Leeds SAFE Taskforce.

Permission is therefore sought to directly award a contract to St Giles Trust for up to £499k for them to recruit & employ Education Inclusion Mentors as part of the Leeds SAFE Taskforce utilising contract procedure rule 9.5. The contract would commence on 12th December 2022 and expire on 31st March 2025.

Recommendations

The Chief Officer (Resources & Strategy) is recommended to approve permission to invoke contract procedure rule 9.5 to directly award a contract to St Giles Trust for up to £499k for provision of the recruitment & employment of Education Inclusion Mentors as part of the Leeds SAFE Taskforce, on the grounds that St Giles Trust are genuinely the only provider that can meet the Council's specific requirements. The contract would commence on 12th December 2022 and expire on 31st March 2025.

What is this report about?

- 1 The DfE made available grant funding to establish SAFE Taskforces in 10 local authority areas across the country, as part of the cross-government Beating Crime Plan published in July 2021, which announced investment in specialist support in schools in serious violence hotspots to support young people at risk of involvement in violence to re-engage with education.
- 2 SAFE Taskforces will bring together mainstream schools to commission evidence-based interventions to **Support** young people with challenging behaviour, enabling them to **Attend** school regularly so they can **Fulfil** their potential and prevent costly poor life outcomes by inspiring them to **Exceed** their expectations.
- 3 The programme is designed to be schools-led because school leaders, teachers and staff have a distinct expertise and access to make a difference in young people's lives. As part of the Taskforce, the DfE are asking schools also to work alongside other local partners who can provide expertise and support. This programme will enable schools to support young people within their school and community, by bringing them together to collectively manage a pot of funding. Each SAFE Taskforce is required to commission and fund evidence-based interventions to support young people at risk of serious violence and re-engage them in education.
- 4 In Leeds, Leeds City Council has agreed to act as a central repository for the grant funds on behalf of schools, with Taskforce established through the existing Area Inclusion Partnership (AIP) arrangements. AIPs bring schools together in a recognised & equitable partnership to deliver & coordinate services to keep children and young people in vulnerable circumstances and at risk of exclusion from education, included in high quality learning.
- 5 The primary intervention chosen by the Leeds SAFE Taskforce is an Educational Inclusion Mentors service. Mentoring has a strong existing evidence base and is recommended by the DfE. Mentors will also work alongside the whole family using restorative practice principles. This intervention will build on our AIP arrangements, which have proved highly successful in promoting the inclusion and preventing the exclusion of children and young people in Leeds schools.
- 6 Provision will be focused in the East AIP in line with our Strategic Needs Analysis, which indicates a higher prevalence across the target indicators in wards in the East of the city; Gipton

& Harehills, Burmantofts & Richmond Hill and Killingbeck & Seacroft were the wards most consistently represented across the indicators based on home or offence postcode. Numerically and proportionately pupils attending school in the East AIP area have the highest persistent absence, persistent unauthorised absence and severe absence. Two schools outside the East AIP will also employ Mentors (in North-East and North-West AIP areas), which are in designated areas for hot spots.

- 7 A total of 19 EIM's are funded through the SAFE Taskforce. 13 will be placed in individual secondary schools (11 in the East AIP area, one in North-East and one in North-West). The other EIM's will be employed by the North-East, North-West, South and West AIPs to work across their AIP areas, targeted where there is greatest identified need.
- 8 A number of schools opted to second a member of staff internally in to the EIM role, one school managed to recruit an applicant through the central recruitment exercise and a number of schools are in the process of going back out to advert to try and employ an EIM directly.
- 9 There is an urgent need however to find a solution to recruit & employ the remaining EIM's in order to stay on track and deliver in line with the project plan agreed, and funded by, the DfE.
- 10 This report therefore seeks permission to invoke contract procedure rule 9.5 to directly award a contract to St Giles Trust for them to recruit & employ Education Inclusion Mentors as part of the Leeds SAFE Taskforce. The maximum contract value would be up to £499k.

Contract procedure rule 9.5: 'Where the relevant Director considers there is genuinely no competition such that only a particular organisation or provider can meet the Council's specific requirements (e.g. when commissioning a piece of art) a waiver of CPRs 9.1 and 9.2 need not be obtained. However, before making any decision the Authorised Officer must consult with PACS and the lack of competition must be formally evidenced and approved by the relevant Director before the contract is entered into.'

- 11 Following a competitive tender (Yortender reference 56777) St Giles Trust have recently been awarded a contract (via delegated decision D55724) to deliver a programme of work associated with the Leeds SAFE Taskforce. The programme of work is:
 - a) Pro social skills training for schools and young people;
 - b) A bespoke package of training and support for Educational Inclusion Mentors;
 - c) Targeted after-school provision.
- 12 St Giles Trust deliver mentoring provision in a number of Local Authority areas and in some schools in Leeds. As a result of the challenge in recruiting EIM's St Giles were approached to explore the possibility of commissioning them to recruit and employ some EIM's as part of the Leeds SAFE Taskforce.
- 13 St Giles Trust have confirmed that they have the capacity and capability to deliver this contract and are confident that they will be able to recruit sufficient candidates to fill any outstanding vacancies.
- 14 Given the timescales imposed on the project due to the external funding it is considered that St Giles Trust are the only provider in the market that could deliver this contract in the speed required and to the quality required:
 - a) St Giles Trust already deliver a similar mentor provision to that prescribed in the Leeds SAFE Taskforce project plan – this was evidenced in their recent tender submission when they were describing their delivery model of the associated Leeds SAFE Taskforce work (as described in section 11 above); particularly with regards to EIM induction and training.

- b) Due to their recent bid submission, and subsequent mobilisation planning & activity, they are already very knowledgeable and up to speed on the requirements of the DfE and Leeds SAFE Taskforce programme.
- c) The project team feel very reassured St Giles Trust have robust systems in place for quality assurance and operations management – this was evidenced in their recent bid submission for the contract associated Leeds SAFE Taskforce work (as described in section 11 above).
- d) St Giles Trust already deliver in Leeds and are known to many of the schools that are part of the Leeds SAFE Taskforce: they are therefore able to deliver at speed as much of the communication and partnership links are already in place.
- e) Through the recent bid; commissioners have been able to scrutinise the Service Cost Analysis Form (SCAF) and are reassured that St Giles Trust’s costings provide good value for money. Commissioners will ensure the approach to costing for this new contract follows the same methodology.
- f) It was explored whether there was any internal provision or external contract arrangements in place with LCC that could be utilised for this area of work; but no suitable solutions were discovered.

15 Whilst not the originally intended project approach for resourcing the EIM’s; having a mixed recruitment approach to EIM’s (seconded, recruited by schools and commissioned) will provide a basis to evaluate whether there are any strengths/limitation to each of the approaches. This may inform future planning for such provision and will form valuable feedback to the DfE.

16 Any schools that receive an EIM commissioned by St Giles Trust will have their cooperation agreement with LCC cancelled. The cooperation between LCC and schools was purely about schools’ employment of an EIM: therefore it will have no purpose for any schools that are supplied with a ST Giles EIM.

What impact will this proposal have?

17 An Equality Impact Assessment Screening has been undertaken. This identifies the decision will have a positive impact for equality, diversity, cohesion and integration because it will support young people at risk of involvement in violence to attend school and re-engage with education.

18 The taskforces will focus on pupils already known to be involved in serious violence or who are in close proximity to serious violence due to contextual factors such as peer groups, family, or neighbourhood; and pupils who are disengaged from education e.g. truancy, suspension or exclusion from school who are more likely to end up on the pathway into serious violence. This means the cohort is likely to include high proportions of pupils from recognised vulnerable groups (e.g. Children in Need, Looked After Children and those with SEND (Special Educational Needs and Disabilities)).

How does this proposal impact the three pillars of the Best City Ambition?

- Health and Wellbeing Inclusive Growth Zero Carbon

19 This proposal supports the council’s health & wellbeing pillar and the city & council ambitions of:

- Improving educational attainment and closing achievement gaps for children and young people vulnerable to poor learning outcomes
- Improving social, emotional and mental health and wellbeing
- Helping young people into adulthood, to develop life skills and be ready for work

What consultation and engagement has taken place?

Wards affected:

Have ward members been consulted? Yes No

- 20 The Leeds SAFE Taskforce has key stakeholders represented, including schools. The Taskforce meets monthly and ongoing consultation has taken place and will continue throughout the programme with schools, including AIP Chairs.
- 21 The Executive Member for Economy, Culture and Education has been briefed on the SAFE Taskforce programme.
- 22 Procurement & Commercial Services have been consulted to confirm this decision is in line with the Council's contract procedure rules and public contract regulations.

What are the resource implications?

- 23 The contract with St Giles Trust will be for a maximum of £499k from 12th December 2022 to 31st March 2025.
- 24 The contract is fully funded through the DfE SAFE Taskforce grant ring-fenced to this project therefore will not create additional financial pressure on Council budget.
- 25 The contract with St Giles will include employer on costs, management costs, direct employment costs i.e. travel, laptop, phones, training & management oversight as well as the usual business overheads (finance, HR, IT, venue costs, insurances)
- 26 In line with standard commissioning procedures: St Giles will be asked to submit a service cost analysis form (SCAF) which will be scrutinised and approved by Commissioners prior to contract award. This ensures the contract award delivers best value and ensure public money is spent wisely. This process will determine the final/awarded contract value – up to a maximum of £499k.
- 27 As it is utilising external funding it is considered essential spend.

What are the key risks and how are they being managed?

- 28 The DfE funding must be spent as described in the Memorandum of Understanding (MoU). A project team has been established within Children and Families comprising of representatives from Learning Inclusion, Performance Management and Improvement, Learning Systems and Commissioning. The project team will ensure, and monitor use, of the funding to ensure compliance against the MoU. Regular communication between LCC and the DfE is in place to ensure the project remains on track and in line with the agreed project plan.

What are the legal implications?

- 29 This decision is classified as a significant operational decision and as such will not be subject to call-in. There are no grounds for keeping the contents of this report confidential under the Access to Information Rules.
- 30 This direct award contract to St Giles Trust falls below the Public Contracts Regulations 2015 (PCR) threshold for Social and Other Specific Services, under the Light Touch Regime (LTR). Notwithstanding, the direct award must still adhere to the Council's Contracts Procedure Rules.
- 31 This report therefore seeks permission to invoke the Council's contract procedure rule 9.5:

- a) *'Where the relevant Director considers there is genuinely no competition such that only a particular organisation or provider can meet the Council's specific requirements (e.g. when commissioning a piece of art) a waiver of CPRs 9.1 and 9.2 need not be obtained. However, before making any decision the Authorised Officer must consult with PACS and the lack of competition must be formally evidenced and approved by the relevant Director before the contract is entered into'*
- b) The commissioners and project team consider that, as per the reasons in section 14 of this report, that there is genuinely no competition to deliver this contract at the speed required of the externally funded programme.

32 Awarding a contract directly to St Giles Trust without competition could leave the Council open to a potential challenge from other providers, to whom this contract could be of interest, that it has not been wholly transparent. However, the fact that this direct award contract is below the LTR threshold under the PCR and that there are no genuine market competitors to St Giles Trust for this particular provision in the Council's timeframe, it is considered that such challenge risk is low. Although there is no legal obstacle preventing the use of CPR 9.5, the above comments should be noted when making the final decision, and the decision maker should be satisfied that the course of action chosen represents Best Value for the Council.

Options, timescales and measuring success

What other options were considered?

- 33 As detailed within this report: all other options have been considered. Options explored included:
- a) LCC resourcing internally – there is currently no internal resource to deliver this
 - b) Utilising any existing LCC contracts – no suitable contracts are in place for this provision
 - c) Varying the recently awarded St Giles contract via reg 72 to include EIM provision – the value of a contract for sufficient EIM's would exceed 50% of the current St Giles contract so this option is not permissible.
 - d) Undertaking a competitive tender – due to the timescales imposed by the external funding and the need for the EIM's to be in place for January 2023; there is insufficient time to undertake a competitive tender.
 - e) Schools recruiting/employing EIM's – this option is still being pursued by some schools. Some schools have confirmed they do not have the resource to undertake any further recruitment activity. Therefore there is a need to find a solution for the remaining EIM's.

How will success be measured?

- 34 The DfE funding comes with targets and performance measures. The SAFE Taskforce project team will be responsible for monitoring the programme against targets and performance measures.
- 35 The specification for the contract will set out specific targets and performance measures that link to the overall SAFE Taskforce project targets and performance measures.
- 36 A piece of work is ongoing to work with all delivery partners for the Leeds SAFE Taskforce to scope out the most effective mechanisms to evidence the work and outcomes of the programme. St Giles are already engaged with this piece of work as part of their associated SAFE Taskforce contract.
- 37 The Contracts Manager assigned to the recently awarded St Giles contract will also take on contract management for this new contract and will ensure regular contract monitoring is

undertaken and submitted and ensure compliance against the contract specification. This will be fed through to the SAFE Taskforce project team.

What is the timetable and who will be responsible for implementation?

38 As detailed throughout the report: there is an urgent need to move swiftly to award this contract. Once this decision is approved the contract will be awarded and will commence on 12th December 2022.

39 Discussions are already ongoing with St Giles and they have begun scoping out the mobilisation requirements and recruitment strategy/plans. They have done this at risk and aware that there is no guarantee of a contract until this decision is formally taken.

Appendices

- Equality, Diversity, Cohesion and Inclusion (EDCI) screening form.

Background papers

- None