

Award of contract to the University of Salford for Step Up to Social Work

Date: 14/03/2023

Report of: Head of Service Workforce Development

Report to: Director of Children and Families

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

This report seeks approval to award a contract directly to the University of Salford at a value of £370,000 for a Step Up to Social Work programme using Public Procurement Regulation 32 (2) (b) (ii) - Negotiated Procedure without prior publication – of the Public Contracts Regulations 2015 commencing on 1st April 2023.

The Step Up to Social Work programme provides an accelerated entry route into social work for high-achieving graduates and career changers. It is delivered through the development of a bespoke work-based 14 month postgraduate diploma programme, led by groups of local authorities working in regional partnerships and contracting with Higher Education Institutions (HEIs).

Leeds City Council is the lead commissioner for this contract on behalf of Wakefield, Bradford Kirklees and North Yorkshire called the West and North Yorkshire Partnership to deliver the Step Up programme.

Recommendations

- a) The Director of Children and Families is recommended to approve the award of a contract to the University of Salford for delivery of the Step Up to Social Work post graduate social work degree for 37 students across six local authorities. The value of the contract will be £370,000 in total and will be for the period 1 April 2023 until 31 March 2025.

What is this report about?

- 1 The purpose of the report is to seek approval to award a contract to the University of Salford to deliver the Step Up to Social Work programme to 37 students for cohort 8.
- 2 The report provides an update on the current contractual position relating to the Step Up to Social Work contract with the University of Salford. The report also highlights the areas of good performance, the challenges faced and emerging areas of concern/risks relating to the contract.
- 3 The Step Up to Social Work programme provides an accelerated entry route into social work for high-achieving graduates and career changers. It is delivered through the development of a bespoke work-based 14 month postgraduate diploma programme, led by groups of local authorities working in regional partnerships and contracting with Higher Education Institutions (HEIs).
- 4 The Step up to social work programme has an excellent reputation of providing high calibre graduates for our region. And the majority gain employment and stay. The intention is to recruit the Step up graduates into social work posts which saves on both recruitment and training in the longer terms.
- 5 Following a tender process in 2020 the University of Salford was identified as the preferred provider to deliver Step Up to Social work for cohort 7. The contract was awarded for a period of 25 months from 1 March 2021 to 31 March 2023.
- 6 The DfE confirmed a further cohort of Step Up would be funded in September 2022 and gave a deadline of the beginning of November to notify partnerships if they were successful.
- 7 Delays from the DfE in confirming the funding meant that confirmation was not received until 15th December 2022. The delay to notification together with the addition of the Christmas break meant the timescales to retender this contract were insufficient. The University of Salford has successfully delivered the Step Up to Social Work course for 5 cohorts, they have the staff and resources in place to continue to meet all the requirements of the contract. It would not be feasible for another organisation to organise itself into a similar arrangement and deliver the services under a new contract and under the current circumstances within the time constraints.

What impact will this proposal have?

- 8 Renewing the contract with the University of Salford will allow us to continue to deliver the Step Up to Social Work programme and therefore increase the number of qualified social workers in our region and reduce vacancy rates across the city and the wider regional local authorities in the West and North Yorkshire Partnership.
- 9 An equality impact screening form has been completed and is attached as appendix 1.

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

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 10 This contract will support the best council plan priorities of keeping people safe from harm and reducing the number of children looked after.

What consultation and engagement has taken place?

Wards affected:

Have ward members been consulted? Yes No

11 This report is not proposing any changes to the current service provision and as such there is no need for wider consultation.

What are the resource implications?

12 The DfE grant will be allocated to fund the supervision and support for each trainee including a bursary, funds for the procurement of the HEI and additional monies for the administration of the partnership and HEI. As with previous cohorts part of the funding from the DfE some funds will be allocated to employ a part time officer to perform the role of lead partner who will meet with the contractor quarterly to ensure best value for money is being achieved.

13 The value of the contract with the University of Salford will be £370,000 in total. This will be across two years from 1 April 2023 to 31st March 2025. The full cost of this is covered by grant funding from the DfE.

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

14 If we are unable to renew the contract with Salford we will not be able deliver the Step Up to Social Work programme. This will have an impact on social work recruitment for Leeds and partners in the West and North Yorkshire Partnership.

What are the legal implications?

15 As the value of the contract is below £500k, this is a Significant Operational Decision and is not therefore subject to call-in, however the decision will be published.

16 Due to the reasons set out in paragraph 5 of this report, the council intends to directly award a contract on the grounds set out at Regulation 32 (2) (b) (ii) - Negotiated Procedure without prior publication – of the Public Contracts Regulations 2015 whereby the services can only be supplied by a particular economic operator and competition is absent for technical reasons.

17 Due to the level of spend it is considered that there is the potential risk of challenge that organisations interested in providing these services have not been provided with an opportunity to tender for this work. In addition, there is also the potential risk of challenge that there are no real technical reasons justifying the use of the Negotiated Procedure without prior publication of a notice in accordance with the Public Contracts Regulations 2015, and that the Council are simply seeking to circumvent the application of the rules. However, due to the reasons set out in paragraph 5 above these risks are perceived to be low.

18 In addition, these risks can be diminished somewhat by the publication of a voluntary transparency notice on Find a Tender immediately after the decision to award the contract has been taken and then waiting 10 days to see if any challenges are made. If no challenges are made the chances of a claim for ineffectiveness being brought are significantly reduced and would only be successful if the Council had used the Negotiated Procedure without prior publication of a notice incorrectly. Further, publishing such a notice will also start time running for any other potential claim for breach of the Regulations, which must be brought within 30 days of the date that an aggrieved party knew or ought to have known that a breach had occurred.

19 However, it should be noted that voluntary transparency notices themselves can be challenged. The European Court of Justice case of *Italian Interior Ministry v Fastweb SpA (Case C-19/13)* highlights the limited protection that the voluntary transparency notice route can offer to contracting authorities wishing to make direct awards without following an above threshold compliant process. A grey area remains around whether the protection of a voluntary transparency notice will be available where the council genuinely, but mistakenly, considers it was entitled to award the contract without notice. It shows that the safe harbour will only be 'safe' to the extent that the justification for the direct award is in itself sound and ready to stand up to the increased scrutiny that the publication of the voluntary transparency notice may well invite.

Options, timescales and measuring success

What other options were considered?

20 If the timescales set out by the DfE had been met, the option to undertake an open competitive tender would have been considered. However, this would take approximately six to eight months to complete. Recruitment for the new cohort of students has already begun and an HEI provider is needed immediately in order to begin recruitment activities.

How will success be measured?

21 A regional partnership group with representatives from each local authority and the HEI meets monthly to oversee the delivery of the course. Key performance indicators are tracked including student attendance, pass rates and recruitment to permanent posts at the end of the programme.

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

22 As the contract value does not exceed £500k, this is a Significant Operational Decision and as such can be implemented following a ten day voluntary standstill period following the publication of a voluntary transparency notice, as referred to in 16 above.

Appendices

- Equality impact screening form

Background papers

- None